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7 *Attorneys for Plaintiff*

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9  
10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 MAIER GUTIERREZ AYON PLLC, a Nevada  
13 professional limited liability company,

14 Plaintiff,

15 vs.

16 MARIANA SIERRA, an individual; SIERRA  
 17 MED SERVICES, a Nevada entity; TED  
 THORP, M.D., an individual; WILLIAM  
 18 MUIR, M.D., an individual; ACCELERATED  
 CHIROPRACTIC, a Nevada entity;  
 19 CULINARY HEALTH FUND, a Nevada  
 entity; GARY J. LA TOURETTE, M.D., an  
 20 individual; RED ROCK DIAGNOSTICS, LLC,  
 a Nevada limited liability company; DESERT  
 21 RADIOLOGISTS, a Nevada entity;  
 22 SONORAN MEDICAL IMAGING, a Nevada  
 entity; INSIGHT IMAGING, a Nevada entity;  
 23 MATT SMTH PHYSICAL THERAPY, a  
 Nevada entity; LAS VEGAS RADIOLOGY, a  
 Nevada entity; LABCORP, a Nevada entity;  
 24 NEVADA COMPREHENSIVE PAIN  
 CENTER, a Nevada entity; DESERT  
 25 INSTITUTE OF SPINE CARE, a Nevada  
 entity; EMERGENCY PHYSICIANS  
 26 MEDICAL GROUP, a Nevada entity; LAS  
 VEGAS FIRE AND RESCUE, a Nevada entity;  
 27 CITY OF LAS VEGAS EMS, a Nevada entity;  
 UNIVERSITY MEDICAL CENTER, a Nevada  
 28 entity; GLEN GUILLERMO, M.D., an  
 individual; PAUL BANDT, M.D., an

Case No.: 2:13-cv-01139-MMD-PAL

**FINAL JUDGMENT AND DISMISSAL  
WITH PREJUDICE**

MAIER GUTIERREZ AYON PLLC  
ATTORNEYS AT LAW

1 individual; WILLIAM BILOTTA, M.D.; an  
2 individual; DOES I through X; and  
3 ROE CORPORATIONS I through X, inclusive,  
4 Defendants.

5 IT IS HEREBY STIPULATED AND AGREED that final judgment and dismissal with  
6 prejudice be entered with findings of fact and conclusions of law as follows:

7 1. The above-entitled interpleader action was filed in the Eighth Judicial District  
8 Court, Clark County, Nevada, on June 3, 2013.

9 2. Defendant MARIANA SIERRA was served with the summons and complaint on  
10 September 18, 2013, and an affidavit of service was filed on October 8, 2013. Defendant  
11 MARIANA SIERRA failed to plead or otherwise defend as required by law, and the Clerk of the  
12 Court entered default against defendant MARIANA SIERRA on October 16, 2013.

13 3. Defendant SIERRA MED SERVICES was served with the summons and complaint  
14 on July 30, 2013, and an affidavit of service was filed on September 4, 2013. Defendant SIERRA  
15 MED SERVICES filed an answer to the complaint in interpleader on July 16, 2013.

16 4. Defendant TED THORP, M.D., was served with the summons and complaint on  
17 July 30, 2013, and an affidavit of service was filed on September 4, 2013. Defendant TED  
18 THORP, M.D., failed to plead or otherwise defend as required by law, and the Clerk of the Court  
19 entered default against defendant TED THORP, M.D., on September 6, 2013.

20 5. Defendant WILLIAM MUIR, M.D., was served with the summons and complaint  
21 on June 13, 2013, and an affidavit of service was filed on June 18, 2013. Defendant WILLIAM  
22 MUIR, M.D., filed an answer to the complaint in interpleader on July 26, 2013.

23 6. Defendant ACCELERATED CHIROPRACTIC was served with the summons and  
24 complaint on June 18, 2013, and an affidavit of service was filed on June 25, 2013. Defendant  
25 ACCELERATED CHIROPRACTIC failed to plead or otherwise defend as required by law, and  
26 the Clerk of the Court entered default against defendant ACCELERATED CHIROPRACTIC on  
27 July 17, 2013.

28 7. Defendant UNITE HERE HEALTH (CULINARY HEALTH FUND) was served

1 with the summons and complaint on June 7, 2013, and an affidavit of service was filed on June 12,  
2 2013. Defendant UNITE HERE HEALTH filed an answer to the complaint in interpleader, as well  
3 as a counterclaim and crossclaim, on June 28, 2013.

4 8. Defendant GARY J. LA TOURETTE, M.D., accepted service of the summons and  
5 complaint on July 22, 2013, and the acceptance of service was filed on August 2, 2013. Defendant  
6 GARY J. LA TOURETTE, M.D., filed an answer to the complaint in interpleader on July 26,  
7 2013.

8 9. Defendant RED ROCK DIAGNOSTICS, LLC, was served with the summons and  
9 complaint on June 7, 2013, and an affidavit of service was filed on June 11, 2013. Defendant RED  
10 ROCK DIAGNOSTICS, LLC, failed to plead or otherwise defend as required by law, and the  
11 Clerk of the Court entered default against defendant RED ROCK DIAGNOSTICS, LLC, on July  
12 17, 2013.

13 10. Defendant DESERT RADIOLOGISTS, LLC, was served with the summons and  
14 complaint on June 12, 2013, and an affidavit of service was filed on June 18, 2013. Defendant  
15 DESERT RADIOLOGISTS, LLC, failed to plead or otherwise defend as required by law, and the  
16 Clerk of the Court entered default against defendant DESERT RADIOLOGISTS, LLC, on July 17,  
17 2013.

18 11. Defendant SONORAN MEDICAL IMAGING was served with the summons and  
19 complaint on June 7, 2013, and an affidavit of service was filed on June 11, 2013. Defendant  
20 SONORAN MEDICAL IMAGING filed a disclaimer in interest on June 25, 2013, disclaiming any  
21 interest in the interplead funds, waiving any and all notices and process required by law in the  
22 premises, and consenting that plaintiff be discharged from any and all liability to defendants and  
23 that any amounts owed to defendant SONORAN MEDICAL IMAGING with regard to this matter  
24 be discharged in full.

25 12. Defendant INSIGHT IMAGING was served with the summons and complaint on  
26 September 30, 2013, and an affidavit of service was filed on October 7, 2013. Defendant  
27 INSIGHT IMAGING failed to plead or otherwise defend as required by law, and the Clerk of the  
28 Court entered default against defendant INSIGHT IMAGING on October 23, 2013.

1           13. Defendant MATT SMITH PHYSICAL THERAPY was served with the summons  
2 and complaint on July 24, 2013, and an affidavit of service was filed on July 31, 2013. Defendant  
3 MATT SMITH PHYSICAL THERAPY failed to plead or otherwise defend as required by law,  
4 and the Clerk of the Court entered default against defendant MATT SMITH PHYSICAL  
5 THERAPY on September 6, 2013.

6           14. Defendant LAS VEGAS RADIOLOGY was served with the summons and  
7 complaint on June 10, 2013, and an affidavit of service was filed on June 11, 2013. Defendant  
8 LAS VEGAS RADIOLOGY failed to plead or otherwise defend as required by law, and the Clerk  
9 of the Court entered default against defendant LAS VEGAS RADIOLOGY on July 17, 2013.

10           15. Defendant LABCORP was served with the summons and complaint on June 14,  
11 2013, and an affidavit of service was filed on June 18, 2013. Defendant LABCORP failed to plead  
12 or otherwise defend as required by law, and the Clerk of the Court entered default against  
13 defendant LABCORP on July 17, 2013.

14           16. Defendant NEVADA COMPREHENSIVE PAIN CENTER was served with the  
15 summons and complaint on June 12, 2013, and an affidavit of service was filed on June 18, 2013.  
16 Defendant NEVADA COMPREHENSIVE PAIN CENTER failed to plead or otherwise defend as  
17 required by law, and the Clerk of the Court entered default against defendant NEVADA  
18 COMPREHENSIVE PAIN CENTER on July 17, 2013.

19           17. Defendant DESERT INSTITUTE OF SPINE CARE was served with the summons  
20 and complaint on June 12, 2013, and an affidavit of service was filed on June 18, 2013. Defendant  
21 DESERT INSTITUTE OF SPINE CARE failed to plead or otherwise defend as required by law,  
22 and the Clerk of the Court entered default against defendant DESERT INSTITUTE OF SPINE  
23 CARE on July 17, 2013.

24           18. Defendant EMERGENCY PHYSICIANS MEDICAL GROUP was served with the  
25 summons and complaint on June 7, 2013, and an affidavit of service was filed on June 16, 2013.  
26 Defendant EMERGENCY PHYSICIANS MEDICAL GROUP failed to plead or otherwise defend  
27 as required by law, and the Clerk of the Court entered default against defendant EMERGENCY  
28 PHYSICIANS MEDICAL GROUP on July 17, 2013.

1           19. Defendant LAS VEGAS FIRE AND RESCUE was served with the summons and  
2 complaint on June 12, 2013, and an affidavit of service was filed on June 18, 2013. Defendant  
3 LAS VEGAS FIRE AND RESCUE filed a disclaimer in interest on July 2, 2013, disclaiming any  
4 interest in the interplead funds, thereby consenting that plaintiff be discharged from any and all  
5 liability to defendants and that any amounts owed to defendant LAS VEGAS FIRE AND  
6 RESCUE with regard to this matter be discharged in full.

7           20. Defendant CITY OF LAS VEGAS EMS was served with the summons and  
8 complaint on June 18, 2013, and an affidavit of service was filed on June 25, 2013. Defendant  
9 CITY OF LAS VEGAS EMS filed a disclaimer in interest on July 2, 2013, disclaiming any  
10 interest in the interplead funds, thereby consenting that plaintiff be discharged from any and all  
11 liability to defendants and that any amounts owed to defendant CITY OF LAS VEGAS EMS with  
12 regard to this matter be discharged in full.

13           21. Defendant UNIVERSITY MEDICAL CENTER was served with the summons and  
14 complaint on June 13, 2013, and an affidavit of service was filed on June 18, 2013. Defendant  
15 UNIVERSITY MEDICAL CENTER filed a disclaimer in interest on October 18, 2013,  
16 disclaiming any interest in the interplead funds and waiving any and all notices and process  
17 required by law in the premises, thereby consenting that plaintiff be discharged from any and all  
18 liability to defendants and that any amounts owed to defendant UNIVERSITY MEDICAL  
19 CENTER with regard to this matter be discharged in full.

20           22. Defendant GLEN GUILLERMO, M.D., was served with the summons and  
21 complaint on June 12, 2013, and an affidavit of service was filed on June 18, 2013. Defendant  
22 GLEN GUILLERMO, M.D., failed to plead or otherwise defend as required by law, and the Clerk  
23 of the Court entered default against defendant GLEN GUILLERMO, M.D., on July 17, 2013.

24           23. Defendant PAUL BANDT, M.D., was served with the summons and complaint on  
25 June 12, 2013, and an affidavit of service was filed on June 18, 2013. Defendant PAUL BANDT,  
26 M.D., failed to plead or otherwise defend as required by law, and the Clerk of the Court entered  
27 default against defendant PAUL BANDT, M.D., on July 17, 2013.

28           24. Defendant WILLIAM BILOTTA, M.D., was served with the summons and

1 complaint on June 12, 2013, and an affidavit of service was filed on June 18, 2013. Defendant  
2 WILLIAM BILOTTA, M.D., failed to plead or otherwise defend as required by law, and the Clerk  
3 of the Court entered default against defendant WILLIAM BILOTTA, M.D., on July 17, 2013.

4 25. Defendant MARIANA SIERRA was formerly the plaintiff in a lawsuit litigated on  
5 his behalf in the Eighth Judicial District Court, Clark County, Nevada, which was resolved by way  
6 of a non-confidential settlement in the amount of \$35,000.00. This amount was a negotiated  
7 settlement amount for defendant MARIANA SIERRA's injuries, and plaintiff MAIER  
8 GUTIERREZ AYON PLLC was the attorney of record.

9 26. By retainer agreement, defendant MARIANA SIERRA agreed to pay to plaintiff  
10 MAIER GUTIERREZ AYON PLLC a contingency fee from the settlement monies in the amount  
11 of \$14,000.00 as and for attorney fees, plus costs advanced by plaintiff in the underlying lawsuit in  
12 the amount of \$5,335.80. Plaintiff MAIER GUTIERREZ AYON PLLC advanced additional costs  
13 in the amount of \$2,278.71 related to the subject interpleader action, for total costs advanced by  
14 plaintiff in the amount of \$7,614.51. Plaintiff MAIER GUTIERREZ AYON PLLC waives its  
15 claim for additional attorney fees related to the subject interpleader action.

16 27. Accordingly, \$14,000.00 shall be distributed to plaintiff MAIER GUTIERREZ  
17 AYON PLLC as and for attorney fees, and \$7,614.51 shall be distributed to plaintiff MAIER  
18 GUTIERREZ AYON PLLC as and for costs advanced by plaintiff in the underlying lawsuit and  
19 the subject interpleader action.

20 28. The remaining \$13,385.49 shall be distributed among defendants, and each of them,  
21 as follows:

- 22 a. SIERRA MED SERVICES.....\$7,468.53
- 23 b. TED THORP, M.D.....\$0
- 24 c. WILLIAM MUIR, M.D.....\$947.11
- 25 d. ACCELERATED CHIROPRACTIC.....\$0
- 26 e. CULINARY HEALTH FUND.....\$2,455.55
- 27 f. GARY J. LA TOURETTE, M.D.....\$1,014.30
- 28 g. RED ROCK DIAGNOSTICS, LLC.....\$0

1	h.	DESERT RADIOLOGISTS.....	\$0
2	i.	SONORAN MEDICAL IMAGING.....	\$0
3	j.	INSIGHT IMAGING.....	\$0
4	k.	MATT SMTH PHYSICAL THERAPY.....	\$0
5	l.	LAS VEGAS RADIOLOGY.....	\$0
6	m.	LABCORP.....	\$0
7	n.	NEVADA COMPREHENSIVE PAIN CENTER.....	\$0
8	o.	DESERT INSTITUTE OF SPINE CARE.....	\$0
9	p.	EMERGENCY PHYSICIANS MEDICAL GROUP.....	\$0
10	q.	LAS VEGAS FIRE AND RESCUE.....	\$0
11	r.	CITY OF LAS VEGAS EMS.....	\$0
12	s.	UNIVERSITY MEDICAL CENTER.....	\$0
13	t.	GLEN GUILLERMO, M.D.....	\$0
14	u.	PAUL BANDT, M.D.....	\$0
15	v.	WILLIAM BILOTTA, M.D.....	\$0
16	w.	MARIANA SIERRA.....	\$1,500.00

17 29. Plaintiff MAIER GUTIERREZ AYON PLLC is hereby discharged from any and all  
18 liability to defendants, and each of them, including defaulted defendants, with respect to the  
19 interpleader funds.

20 30. Defendants, and each of them, including defaulted defendants, are restrained from  
21 instituting or further prosecuting any other proceeding against plaintiff MAIER GUTIERREZ  
22 AYON PLLC and/or defendant MARIANA SIERRA in any Court affecting the rights and  
23 obligations between the parties to this action.

24 31. All debts owed to defendants, and each of them, including defaulted defendants, are  
25 discharged in full pursuant to the above distribution.

26 32. The above-entitled action, including all claims, counterclaims and cross-claims  
27 asserted therein, is dismissed with prejudice, with each party to bear its own attorney fees and  
28 costs.

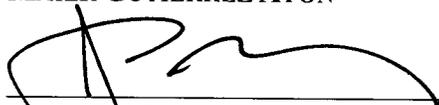
Respectfully submitted,

DATED this 15 day of November, 2013.

DATED this \_\_\_ day of November, 2013.

MAIER GUTIERREZ AYON

CHRISTENSEN JAMES & MARTIN

  
\_\_\_\_\_  
JASON R. MAIER, ESQ.  
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*Attorneys for Plaintiff*

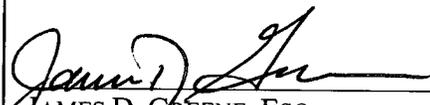
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DARYL E. MARTIN, ESQ.  
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Las Vegas, Nevada 89117  
*Attorneys for Defendant Unite Here Health*

DATED this \_\_\_ day of November, 2013.

DATED this \_\_\_ day of November, 2013.

GREENE INFUSO, LLP

RICHARD HARRIS LAW FIRM

  
\_\_\_\_\_  
JAMES D. GREENE, ESQ.  
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RICHARD A. HARRIS, ESQ.  
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*Attorneys for Defendant William S. Muir, M.D.*

DATED this \_\_\_ day of November, 2013.

CLIFF W. MARCEK, P.C.

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CLIFF W. MARCEK, ESQ.  
Nevada Bar No. 5061  
700 S. Third Street  
Las Vegas, Nevada 89101  
*Attorneys for Defendant Gary LaTourette, M.D.*

**IT IS SO ORDERED.**

DATED this \_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

MAIER GUTIERREZ AYON PLLC  
ATTORNEYS AT LAW  
M-G-A

Case No.: 2:13-cv-01139-MMD-PAL  
FINAL JUDGMENT AND DISMISSAL WITH PREJUDICE

Respectfully submitted,

DATED this \_\_\_\_ day of November, 2013.

DATED this \_\_\_\_ day of November, 2013.

**MAIER GUTIERREZ AYON**

**CHRISTENSEN JAMES & MARTIN**

\_\_\_\_\_  
JASON R. MAIER, ESQ.  
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DARYL E. MARTIN, ESQ.  
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*Attorneys for Defendant Unite Here Health*

DATED this \_\_\_\_ day of November, 2013.

DATED this \_\_\_\_ day of November, 2013.

**GREENE INFUSO, LLP**

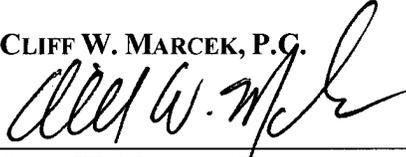
**RICHARD HARRIS LAW FIRM**

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*Attorneys for Defendant William S. Muir, M.D.*

DATED this 12 day of November, 2013.

**CLIFF W. MARCEK, P.G.**

  
\_\_\_\_\_  
CLIFF W. MARCEK, ESQ.  
Nevada Bar No. 5061  
700 S. Third Street  
Las Vegas, Nevada 89101  
*Attorneys for Defendant Gary LaTourette, M.D.*

**IT IS SO ORDERED.**

DATED this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

Case No.: 2:13-cv-01139-MMD-PAL  
FINAL JUDGMENT AND DISMISSAL WITH PREJUDICE

Respectfully submitted,

DATED this \_\_\_\_ day of November, 2013.

DATED this \_\_\_\_ day of November, 2013.

**MAIER GUTIERREZ AYON**

**CHRISTENSEN JAMES & MARTIN**

\_\_\_\_\_  
JASON R. MAIER, ESQ.  
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DARYL E. MARTIN, ESQ.  
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Las Vegas, Nevada 89117  
*Attorneys for Defendant Unite Here Health*

DATED this \_\_\_\_ day of November, 2013.

DATED this  day of November, 2013.

**GREENE INFUSO, LLP**

**RICHARD HARRIS LAW FIRM**

\_\_\_\_\_  
JAMES D. GREENE, ESQ.  
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RICHARD A. HARRIS, ESQ.  
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Las Vegas, Nevada 89101  
*Attorneys for Defendant William S. Muir, M.D.*

DATED this \_\_\_\_ day of November, 2013.

**CLIFF W. MARCEK, P.C.**

\_\_\_\_\_  
CLIFF W. MARCEK, ESQ.  
Nevada Bar No. 5061  
700 S. Third Street  
Las Vegas, Nevada 89101  
*Attorneys for Defendant Gary LaTourette, M.D.*

**IT IS SO ORDERED.**

DATED this 18th day of November, 2013.



UNITED STATES DISTRICT JUDGE

**MAIER GUTIERREZ AYON PLLC**  
ATTORNEYS AT LAW  


Respectfully submitted,

DATED this \_\_\_\_ day of November, 2013.

MAIER GUTIERREZ AYON

\_\_\_\_\_  
JASON R. MAIER, ESQ.  
Nevada Bar No. 8557  
2500 West Sahara Avenue, Suite 106  
Las Vegas, Nevada 89102  
*Attorneys for Plaintiff*

DATED this \_\_\_\_ day of November, 2013.

GREENE INFUSO, LLP

\_\_\_\_\_  
JAMES D. GREENE, ESQ.  
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*Attorneys for Defendant Sierra Medical Services, LLC*

DATED this 6 day of November, 2013.

CHRISTENSEN JAMES & MARTIN

\_\_\_\_\_  
*Daryl E. Martin*  
DARYL E. MARTIN, ESQ.  
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*Attorneys for Defendant Unite Here Health*

DATED this \_\_\_\_ day of November, 2013.

RICHARD HARRIS LAW FIRM

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RICHARD A. HARRIS, ESQ.  
Nevada Bar No. 0505  
801 S. Fourth Street  
Las Vegas, Nevada 89101  
*Attorneys for Defendant William S. Muir, M.D.*

DATED this \_\_\_\_ day of November, 2013.

CLIFF W. MARCEK, P.C.

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CLIFF W. MARCEK, ESQ.  
Nevada Bar No. 5061  
700 S. Third Street  
Las Vegas, Nevada 89101  
*Attorneys for Defendant Gary LaTourette, M.D.*

**IT IS SO ORDERED.**

DATED this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE