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4 THE GAGE LAW FIRM, PLLC  
ONE Summerlin  
5 1980 Festival Plaza Drive, Ste. 270  
Las Vegas, Nevada 89128  
6 (702)869-0800/(702)869-0900 (fax)  
*Attorneys for Plaintiffs*

7  
8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 **JEANNETTE TEAL, Individually and ) Case No.**  
11 **as heir and as Administratrix of the )**  
12 **Estate of EVERETT TEAL (deceased) )**  
13 **and RUSSELL TEAL, Individually and )**  
14 **as heir, )**  
15 **Plaintiffs, )**  
16 **vs. )**  
17 **THE UNITED STATES OF AMERICA, )**  
18 **Defendant. )**

19 **COMPLAINT**

20 NOW COME the Plaintiffs, JEANNETTE TEAL, individually and as heir and as  
21 Special Administratrix of the Estate of Everett Teal (deceased) and RUSSELL TEAL, by  
22 and through his attorneys, The Gage Law Firm, PLLC, and for their Complaint against  
23 Defendant states as follows:

24 **PARTIES**

25 1. Plaintiff JEANNETTE TEAL, individually, as an heir and as Special Administratrix  
26 of the Estate of Everett Teal (deceased) is a resident of Clark County, State of Nevada.  
27 JEANNETTE, was the wife of EVERETT TEAL, deceased.

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1 2. Plaintiff RUSSELL TEAL, individually, as an heir, is a resident of Clark County,  
2 State of Nevada. RUSSELL was the natural born son of EVERETT TEAL, deceased.

3 3. Defendant, the United States of America, may be served by delivering a copy of  
4 the Summons and Complaint to the United States Attorney for the District of Nevada.

5 **JURISDICTION AND VENUE**

6 4. The Court has jurisdiction over this lawsuit under 28 U.S.C. §1346 and the U.S.  
7 Const., Art. 3, §2, cl. 1. Venue of this suit is proper herein because the events or  
8 omissions giving rise to these claims occurred in Las Vegas in the District of Nevada under  
9 28 U.S.C. §1391.

10 **CONDITIONS PRECEDENT**

11 5. Plaintiffs timely presented these claims in writing to: 1) Matthew Voss, Esq.,  
12 Counsel for VA Southern Nevada Healthcare System, 6900 North Pecos Road, North Las  
13 Vegas, Nevada 89085; 2) Suzanne Will, Esq., Office of Chief Counsel, San Francisco VA  
14 Medical Center, 4150 Clement Street, San Francisco, California 94121; 3) Meghan Flanz,  
15 Office of General Counsel, Department of Veterans Affairs, 810 Vermont Avenue, NW,  
16 Washington, DC 20420; and, 4) Mark Romaneski, Esq., VA Office of Regional Counsel,  
17 Region 19, 650 East Indian School Road, Bldg. 24, Phoenix, Arizona 85012. The claims  
18 were received by Defendant on or about March 15, 2018 and Defendant failed to make a  
19 final disposition of this claim after it was presented.

20 **FACTS**

21 6. Plaintiffs re-allege and incorporate herein by reference Paragraphs 1- 5 and all  
22 other facts and allegations of this Complaint, as though fully restated herein.

23 7. EVERETT TEAL (deceased) (hereinafter "EVERETT") was a Veteran who  
24 received care at the Southern Nevada VA Health Care System for the time period at issue.

25 8. EVERETT had a prior history of anemia in neoplastic disease and chronic  
26 lymphoid leukemia.

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1 9. EVERETT's chronic lymphoid leukemia was diagnosed and entered into his VA  
2 record on or about February 3, 2014.

3 10. On or about June 25, 2015, Mr. Teal's healthcare providers prescribed the  
4 medication mometasone furoate, 220MCG by an inhaler to be used twice a day.

5 11. In August 2015, Dr. Stephen Billmyer, an employee of the VA, recommended  
6 that Mr. Teal receive Zostavax (Zoster Vaccine) for shingles.

7 12. The VA computer system provided a checklist to go through to determine  
8 whether or not the vaccine should be given. The computer system walks one through the  
9 contraindications for the administration of the vaccine.

10 13. The medical records reveal the conditions for not administering the vaccine and  
11 the answers provided by the VASNHS healthcare provider:

12 **Patient should not receive the vaccine if any of the following**  
13 **are met: Patient has a weakened immune system because of:**

14 a. Has the patient received the herpes zoster vaccine before? **Answer in**  
15 **the Records– No;**

16 b. Does the patient have any anaphylactic allergy to neomycin or gelatin?  
17 **Answer in the Records– No;**

18 c. Is the patient actively being treated with chemotherapy or radiation?  
19 **Answer in the Records– No;**

20 d. Is the patient prescribed prednisone > 5mg or equivalent? **Answer in**  
21 **the Records – No;**

22 e. Is the patient prescribed high dose inhaled corticosteroids? **Answer in**  
23 **the Records – No;**

24 f. Is the patient immunocompromised? **Answer in the Records– No;**

25 g. Is the patient prescribed immunosuppressive agents? **Answer in the**  
26 **Records– No;**

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1 h. Does the patient have untreated active TB? **Answer in the Records–**  
2 **No;**

3 i. Is the patient taking an anti-viral that prevents viral replication?  
4 **Answer in the Records– No;**

5 j. Is there a patient history of cancer affecting the bone marrow or  
6 lymphatic system? **Answer in the Records– No;**

7 k. Has the patient received any attenuated, live vaccines in the last 4  
8 weeks? **Answer in the Records– No;**

9 14. On August 31, 2015, the information listed above was “allegedly” reviewed  
10 prior to administering Zostavax, including the medications EVERETT was currently on,  
11 which included mometasone furoate.

12 15. Despite the fact that EVERETT had lymphoma/leukemia and was on  
13 mometasone furoate, the vaccine was administered to EVERETT.

14 16. Approximately one week later, EVERETT developed sores/rash on his body  
15 and presented to the ER.

16 17. The records indicate a diagnosis of chickenpox and the genesis for same  
17 was varicella zoster.

18 18. EVERETT saw Dr. Stephen Billmyer on or about October 29, 2015 to  
19 discuss the failure of the chickenpox to resolve. Dr. Billmyer mistakenly tried to claim  
20 that administration of the vaccine was appropriate and also tried to blame the signs of  
21 chickenpox as evidence of leukemia.

22 19. On February 17, 2016, EVERETT saw Dr. Billmyer again who acknowledges  
23 that EVERETT’S skin lesions are consistent with chickenpox which have not totally  
24 resolved.

25 20. On March 5, 2016, EVERETT presented to the ER at St. Rose Dominican  
26 Hospital Rose De Lima Campus with complaints of shortness of breath, dry cough and  
27 fever and indicated that he is recovering from chickenpox.

1 21. Shortly after discharge from St. Rose Dominican, EVERETT returns to the  
2 hospital with complaints of shortness of breath and difficulty breathing.

3 22. On March 23, 2016, EVERETT TEAL died in the hospital.

4 23. The medical providers who saw, examined and/or evaluated EVERETT  
5 during the applicable time period were VA employees and/or agents and other  
6 employees of Defendant and they were all acting within the course and scope of such  
7 employment.

8 **FIRST CAUSE OF ACTION**

9 **(Federal Tort Claims Act - Professional Negligence)**

10 24. Plaintiffs re-allege and incorporate herein by reference Paragraphs 1 - 23  
11 and all other facts and allegations of this Complaint, as though fully restated herein.

12 25. Defendant's employees and/or agents owed a duty to act in the same manner  
13 as an ordinarily prudent physician/healthcare provider in the same or similar circumstance  
14 in caring for, diagnosing and treating EVERETT.

15 26. Defendant held itself and its employees and agents out to EVERETT as a  
16 provider(s) of health care with the requisite and competent medical personnel and staff to  
17 properly care for EVERETT.

18 27. Defendant, by and through its VA physicians, agents and employees, owed  
19 EVERETT a duty to provide reasonable and ordinary medical care and treatment to  
20 EVERETT in compliance with the standard of care required of similar healthcare providers.

21 28. Defendant, by and through its VA physicians, agents and employees, fell below  
22 the standard of care by giving EVERETT the Zoster Vaccine when said vaccine was  
23 contraindicated in light of his documented leukemia and his taking mometasone furoate.  
24 (See Affidavit of Michael Mall, M.D., attached hereto as **Exhibit "1"**, and incorporated  
25 herein by reference).

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1 29. As a result of all of Defendant’s breaches of the standard of care, EVERETT  
2 improperly received the Zoster Vaccine which led to EVERETT’S illness and ultimately his  
3 death. (See **Exhibit “1”**).

4 30. As a result of all of Defendant’s breaches of the standard of care, EVERETT  
5 experienced unnecessary pain and suffering, was required to endure treatment, and  
6 ultimately died as a result of Defendant’s negligent actions. (See **Exhibit “1”**).

7 31. The acts and omissions on the part of the VA physicians, agents and/or  
8 employees amounted to negligence and such negligence was a proximate cause of  
9 EVERETT’S death. Said physicians, agents and/or employees were at all times material  
10 hereto acting within the course and scope of their employment with Defendant. Under the  
11 laws of the State of Nevada, a private person would be liable to Plaintiffs for the  
12 complained of acts and omissions. Under 28 U.S.C. §1346(b), the United States of  
13 America is liable to Plaintiffs for their damages.

14 32. As a direct and proximate result of Defendant’s negligence, Plaintiffs  
15 JEANETTE TEAL and RUSSELL TEAL, (individually, as heirs and/or as the Special  
16 Administratrix of the Estate of Everett Teal) have suffered some and/or all of the following:  
17 grief, sorrow, loss of society, support and companionship, loss of probable support, loss  
18 of household services, (all past and future), medical bills and/or funeral expenses and  
19 other damages allowed and recoverable under Nevada’s wrongful death statute, which  
20 damages are in an amount in excess of the minimal jurisdictional limits of this Court.

21 **SECOND CAUSE OF ACTION**

22 **(Federal Tort Claims Act – Negligence)**

23 33. Plaintiffs re-allege and incorporate herein by reference Paragraphs 1 - 32  
24 and all other facts and allegations of this Complaint, as though fully restated herein.

25 34. Defendant had a duty to create a system for the VA that would help insure  
26 that mistakes like the one in the present claim did not happen.

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1 35. In the present case, EVERETT had leukemia and was on mometasone  
2 furoate and said information was in his medical chart.

3 36. The Defendant should have developed a system which would have  
4 created what is commonly called a "hard stop" which would have advised the provider  
5 not to administer the Zoster Vaccine due to medical conditions documented in the  
6 medical chart like leukemia and the taking of mometasone furoate. (See **Exhibit "1"**).

7 37. Had such a "hard stop" been in place, the Defendant would not have  
8 administered the Zoster Vaccine and EVERETT would still be alive.

9 38. Defendant's breach of its duty to create "hard stops" caused the death of  
10 EVERETT.

11 39. As a result of all of Defendant's breaches of the standard of care,  
12 EVERETT experienced unnecessary pain and suffering, was required to endure  
13 treatment, and ultimately died.

14 40. As a direct and proximate result of Defendant's negligence, Plaintiffs  
15 JEANETTE TEAL and RUSSELL TEAL, (individually, as heirs and/or as the Special  
16 Administratrix of the Estate of Everett Teal) have suffered some and/or all of the  
17 following: grief, sorrow, loss of society, support and companionship, loss of probable  
18 support, loss of household services, (all past and future), medical bills and/or funeral  
19 expenses and other damages allowed and recoverable under Nevada's wrongful death  
20 statute, which damages are in an amount in excess of the minimal jurisdictional limits of  
21 this Court.

22 **REQUEST AND PRAYER FOR RELIEF**

23 WHEREFORE, Plaintiffs respectfully request that this Honorable Court enter  
24 judgment in their favor and against Defendant and award Plaintiffs the following:

- 25 a. Actual damages in an amount in excess of \$20,000,000.00;  
26 b. Costs of suit;

27 ///

- c. Pre-judgment and post-judgment interest, as provided by law;
- d. All other relief the Court deems appropriate.

Dated this 11<sup>th</sup> day of February, 2019.

**THE GAGE LAW FIRM, PLLC**

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dcreasy@gagelawfirm.com

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# **EXHIBIT 1**

AFFIDAVIT OF MICHAEL MALL, M.D.

STATE OF NEVADA        )  
                                  )ss:  
COUNTY OF CLARK     )

**MICHAEL MALL, M.D.**, being duly sworn, deposes and says:

- 1) I am over the age of 18, and have personal knowledge of the facts set forth herein, and I am competent to testify thereto, and could and would testify under oath if called to do so.
- 2) I am a physician licensed to practice medicine in the State of Nevada and practice in the area of Internal Medicine.
- 3) Attached to this affidavit is a true and correct copy of my curriculum vitae.
- 4) I am familiar with the standard of care for the administration of a variety of vaccines, including Zostavax and know of the precautions that must be taken prior to administering Zostavax.
- 5) I have reviewed the following medical records of Everett Teal, provided to me by Plaintiffs' counsel:
  - (a) Medical records from the VA of Southern Nevada (on disc);
  - (b) Medical records from St. Rose Dominican Hospital Rose De Lima Campus (on disc);
  - (c) Death Certificate for Everett Teal;
  - (d) Manufacturer insert for Zostavax;
  - (e) Manufacturer insert for Mometasone furoate;

- 6) On February 3, 2014, Mr. Teal was diagnosed with chronic lymphoid leukemia. It appears that this information was placed in Mr. Teal's VA records on this same date.
- 7) On June 25, 2015, Mr. Teal's healthcare providers prescribed the medication mometasone furoate, 220MCG by an inhaler to be used twice a day. This is considered a high dose of a corticosteroid
- 8) In August 2015, Dr. Stephen Billmyer recommended that Mr. Teal receive Zostavax (Zoster Vaccine) for shingles.
- 9) Based upon the records, the VA computer system generated an automatic checklist to determine if the vaccine should be administered to a VA patient.
- 10) There are three specific questions which the checklist provided erroneous information:
  - (a) The checklist indicated that Mr. Teal was not on a high dose inhaled corticosteroid;
  - (b) The checklist indicated that Mr. Teal was not immunocompromised;
  - (c) The checklist indicated that Mr. Teal did not have a history of cancer affecting the bone marrow or lymphatic system.
- 11) Despite the fact that he was on a high dose inhaled corticosteroid, had an immunocompromised system and had a history of lymphoid leukemia, Mr. Teal received Zostavax.
- 12) Mr. Teal presented to St. Rose Dominican Hospital Rose De Lima Campus about one week later complaining of a rash on his body. The physician at the ER promptly diagnosed Mr. Teal with chickenpox due to Zostavax.

- 13) Mr. Teal saw Dr. Billmyer on October 29, 2015 and again on February 17, 2016, wherein Dr. Billmyer notes the rash/sores and acknowledges that rash/sores/lesions are consistent with chickenpox.
- 14) On March 5, 2016, Mr. Teal presents to the ER at St. Rose Dominican Hospital Rose De Lima Campus with complaints of shortness of breath, dry cough and fever. Mr. Teal is diagnosed with influenza, pneumonia and sepsis. Mr. Teal was discharged on March 12, 2016.
- 15) Less than 24 hours later, Mr. Teal is again admitted to St. Rose Dominican Hospital with complaints of shortness of breath and difficulty breathing.
- 16) Mr. Teal's condition deteriorates to the point that he is placed on a ventilator in an attempt to assist his breathing. Unfortunately, the doctors' efforts are not successful and Mr. Teal succumb to a variety of complications including respiratory failure, pneumonia and sepsis.
- 17) It is important to note that Mr. Teal was found to have not just influenza, but also fungus growing in his sputum, rare gram positive rods and gram positive cocci which is evidence of an immune system which has completely and utterly failed.
- 18) Based upon my review of the medical records, it is my opinion that Dr. Stephen Billmyer, the VA of Southern Nevada employees and/or agents breached the standard of care in the following manner:
  - (a) Administering Zostavax to a patient taking a high dose corticosteroid (in this case mometasone furoate);
  - (b) Administering Zostavax to a patient with an immunocompromised system;

(c) Administering Zostavax to a patient with a history of cancer affecting the bone marrow or lymphatic system;

- 19) Furthermore, it is my opinion that had the VA of Southern Nevada had what is commonly called a "hard stop" in place (a system/program which would automatically note that the administration of a vaccine is contraindicated due to a patients medical condition), Zostavax would not have been administered to Mr. Teal.
- 20) As a direct result of the administration of Zostavax, Mr. Teal's immune system was compromised, first manifested by the diagnosis of chickenpox, followed by pneumonia, influenza, sepsis and the finding of fungus growing in his sputum, rare gram positive rods and gram positive cocci.
- 21) The administration of Zostavax not only compromised Mr. Teal's immune system but caused a complete meltdown of his immune system resulting in his death.
- 22) I have reviewed the medical bills from St. Rose Dominican Hospital Rose De Lima Campus and believe them to be reasonable, necessary and related to the wrongly administered Zostavax.
- 23) My opinions expressed herein are to a reasonable degree of medical probability.

24) I reserve the right to supplement this Affidavit in the event that additional information and/or documentation is supplied to me.

FURTHER AFFIANT SAYETH NAUGHT



MICHAEL MALL, M.D.

Subscribed and Sworn to before me  
this 28 day of December, 2017.



EXP 06.06.18



NOTARY PUBLIC



**CURRICULUM VITAE**  
**Michael Scott Mall, M.D.**  
7455 W Washington Ave Suite #400  
Las Vegas, Nevada 89128  
(702) 733-7966 (702) 341-0504-fax



**Professional Experience:**

|                |  |
|----------------|--|
| 2004 – Present | Principal Investigator/Sub-investigator<br>Affiliated Clinical Research, Inc.<br>501 S. Rancho, Suite C12<br>Las Vegas, Nevada |
| 2012 – present | Michael S. Mall, MD<br>Medical Concierge Medical Practice<br>7455 W Washington Ave Suite #400<br>Las Vegas, NV 89128           |
| 2006—2012      | Michael S. Mall, MD<br>Medical Concierge Practice<br>3201 S Maryland Parkway #220<br>Las Vegas, NV 89109                       |
| 1995 – 2006    | Primary Care<br>Office of Michael Scott Mall, MD<br>3201 S. Maryland Parkway, Suite 220<br>Las Vegas, Nevada                   |
| 1990 – 1995    | Staff Physician<br>Kenneth G. Fox, M.D. Ltd.<br>Las Vegas, Nevada  |

1987 – 1990            Resident Physician  
                                Phoenix Baptist Hospital  
                                Phoenix, Arizona

**Professional Positions:**

Sunrise Hospital  
Vice Chief of Staff 2005-2007  
Board of Trustees 2003-2005  
Medical Executive Committee 1995-1997, 2001-2003  
Chief of Family Practice Department 1995-1997  
Chair of Medical Records Committee 1999-2007

1984 – 1987            American Academy of Family Physicians Public Relations and  
                                Marketing Committee  
                                American Academy of Family Physicians Chairperson of the  
                                National Conference of Student Members

**Licenses/Certifications/Awards:**

1990 – 2011            Board Certified American Board Family Practice  
  
1990 – Present           State of Nevada license # 6074  
  
Current                    Human Participant Protections Education for Research Teams,  
                                National Institute of Health (NIH) Course

**Memberships:**

Clark County Medical Society  
Las Vegas Metro Chamber of Commerce  
LAMBDA Chamber of Commerce  
Las Vegas Health & Fitness Chamber of Commerce (Charter Member)

**Clinical Research Experience:**

*A Multicenter, Double-Blind, Placebo-Controlled, Parallel-Group Study Evaluating the Efficacy and Safety of XXX for the Treatment of Vasomotor Symptoms of Menopause in Postmenopausal Women*

**Clinical Research Experience (continued):**

*A Phase II, Double-Blind, Randomized, Dose-Cohort Escalation Study of Oral, Enteric-Coated XXX and Placebo in Patients with Chronic, Non-Malignant Pain and Opioid-Induced Constipation*

*A Phase III, Randomized, Double-Blind, Placebo-Controlled and Open-Label Active-Controlled Study to Evaluate the Safety and Efficacy of XXX Treatment in men with Secondary Hypogonadism*

*A Multicenter, Randomized, Double-Blind, Parallel Group, 12 Week Study to Evaluate the Efficacy and Safety of XXX (dosed as coadministered XXX and XXX Tablets) Versus XXX in Patients with Mixed Hyperlipidemia*

*An Open Label, Dose Escalation, Multiple Center Study To Evaluate The Safety And Efficacy Of XXX™ Treatment In Men With Secondary Hypogonadism And Who Completed XXX*

*A Phase II, Multicenter, Randomized, Placebo-Controlled, Double-Blinded Study of the Selective Progesterone Receptor Modulator XXX in Pre-Menopausal Women with Symptomatic Leiomyomata*

*A Multicenter, Open-Label, Dose-Titration, Safety And Efficacy One Year Extension Study Of The Selective Progesterone Receptor Modulator XXX In Pre-Menopausal Women With Symptomatic Leiomyomata Who Have Previously Completed Study XXX*

*A Phase III, Flexible-Dose Titration Followed by a Randomized Double-Blind Study of Controlled-Release XXX Compared to Placebo in Patients with Osteoarthritis Pain*

*A Long-Term, Randomized, Double-Blind, Parallel-Group, Placebo-Controlled, Radiographic Study to Investigate the Safety and Efficacy of Orally Administered XXX in Subjects with Symptomatic Osteoarthritis of the Knee*

*Safety and Efficacy of XXXXXX versus Vibramycin for the Treatment of Uncomplicated Urogenital Chlamydia trachomatis Infection: A Randomized, Double-blind, Double-dummy, Active-controlled Multicenter Study*

*A Randomized, Parallel, Double-Blind, Placebo-Controlled Exploratory Study to Evaluate the Efficacy of XXXXX in Improving Glycemic Control in Men with Secondary Hypogonadism or Adult Onset Idiopathic Hypogonadotropic Hypogonadism (AIHH) and Type 2 Diabetes mellitus with Sub-Optimum Treatment.*

**Clinical Research Experience (continued):**

*A Randomized, Double Blind, Placebo and Active Controlled, Parallel, Multi-Center Phase IIb Study to Evaluate Normalization of Morning Testosterone Levels in Men with Secondary Hypogonadism with Confirmed Morning Testosterone Levels <250 ng/dL that Wish to Preserve Their Reproductive Status and are Not Currently being Treated with Topical XXXXXXXXX.*

*A Randomized, Double-blind, Placebo-controlled, Multicenter Trial with an Enriched Study Design to Assess the Efficacy and Safety of XXXXXXXXX/XXXXXXX Controlled-release Tablets (OXN) Compared to Placebo in Opioid-experienced Subjects with Moderate to Severe Pain due to Chronic Low Back Pain who Require Around-the-clock Opioid Therapy*

*A Phase 3, Double-Blind, Placebo-Controlled, Multicenter, Randomized Withdrawal Study To Evaluate The Analgesic Efficacy, Safety, And Tolerability Of XXXX In Opioid naive Subjects With Moderate To Severe Chronic Low Back Pain Requiring Around-The-Clock Opioid Analgesia For An Extended Period Of Time*

*A Phase 3, Double-Blind, Placebo-Controlled, Multicenter, Randomized Withdrawal Study To Evaluate The Analgesic Efficacy, Safety, And Tolerability Of XXXX In Opioid experienced Subjects With Moderate To Severe Chronic Low Back Pain Requiring Around-The-Clock Opioid Analgesia For An Extended Period Of Time*

*Qualitative Interviews with Patients Diagnosed with Endometriosis*

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Michael Scott Mall, M.D.

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Date

**CIVIL COVER SHEET**

JS 44 (Rev. 12/12)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Jeannette Teal, individually, as an heir and as Special Administratrix of the Estate of Everett Teal (deceased) and Russell Teal, individually and as heir of the Estate of Everett Teal (deceased)

(b) County of Residence of First Listed Plaintiff Clark, Nevada  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

David O. Creasy, Esq., Daniel Laird, Esq. of The Gage Law Firm, PLLC  
ONE Summerlin, 1980 Festival Plaza Drive, # 270, Las Vegas, NV  
(702) 869-0800

**DEFENDANTS**

The United States of America

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)  
Unknown

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | <b>PTF</b>                 | <b>DEF</b>                 |   | <b>PTF</b>                 | <b>DEF</b>                 |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

| CONTRACT  | TORTS   | FORFEITURE/PENALTY   | BANKRUPTCY  | OTHER STATUTES  |  |
|---|---|--|---|---|--|
| <input type="checkbox"/> 110 Insurance<br><input type="checkbox"/> 120 Marine<br><input type="checkbox"/> 130 Miller Act<br><input type="checkbox"/> 140 Negotiable Instrument<br><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment<br><input type="checkbox"/> 151 Medicare Act<br><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)<br><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits<br><input type="checkbox"/> 160 Stockholders' Suits<br><input type="checkbox"/> 190 Other Contract<br><input type="checkbox"/> 195 Contract Product Liability<br><input type="checkbox"/> 196 Franchise | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 310 Airplane<br><input type="checkbox"/> 315 Airplane Product Liability<br><input type="checkbox"/> 320 Assault, Libel & Slander<br><input type="checkbox"/> 330 Federal Employers' Liability<br><input type="checkbox"/> 340 Marine<br><input type="checkbox"/> 345 Marine Product Liability<br><input type="checkbox"/> 350 Motor Vehicle<br><input type="checkbox"/> 355 Motor Vehicle Product Liability<br><input type="checkbox"/> 360 Other Personal Injury<br><input checked="" type="checkbox"/> 362 Personal Injury - Medical Malpractice | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 365 Personal Injury - Product Liability<br><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability<br><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability<br><b>PERSONAL PROPERTY</b><br><input type="checkbox"/> 370 Other Fraud<br><input type="checkbox"/> 371 Truth in Lending<br><input type="checkbox"/> 380 Other Personal Property Damage<br><input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881<br><input type="checkbox"/> 690 Other<br><b>LABOR</b><br><input type="checkbox"/> 710 Fair Labor Standards Act<br><input type="checkbox"/> 720 Labor/Management Relations<br><input type="checkbox"/> 740 Railway Labor Act<br><input type="checkbox"/> 751 Family and Medical Leave Act<br><input type="checkbox"/> 790 Other Labor Litigation<br><input type="checkbox"/> 791 Employee Retirement Income Security Act<br><b>IMMIGRATION</b><br><input type="checkbox"/> 462 Naturalization Application<br><input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158<br><input type="checkbox"/> 423 Withdrawal 28 USC 157<br><b>PROPERTY RIGHTS</b><br><input type="checkbox"/> 820 Copyrights<br><input type="checkbox"/> 830 Patent<br><input type="checkbox"/> 840 Trademark<br><b>SOCIAL SECURITY</b><br><input type="checkbox"/> 861 HIA (1395ff)<br><input type="checkbox"/> 862 Black Lung (923)<br><input type="checkbox"/> 863 DIWC/DIWW (405(g))<br><input type="checkbox"/> 864 SSID Title XVI<br><input type="checkbox"/> 865 RSI (405(g))<br><b>FEDERAL TAX SUITS</b><br><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)<br><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 375 False Claims Act<br><input type="checkbox"/> 400 State Reapportionment<br><input type="checkbox"/> 410 Antitrust<br><input type="checkbox"/> 430 Banks and Banking<br><input type="checkbox"/> 450 Commerce<br><input type="checkbox"/> 460 Deportation<br><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations<br><input type="checkbox"/> 480 Consumer Credit<br><input type="checkbox"/> 490 Cable/Sat TV<br><input type="checkbox"/> 850 Securities/Commodities/Exchange<br><input type="checkbox"/> 890 Other Statutory Actions<br><input type="checkbox"/> 891 Agricultural Acts<br><input type="checkbox"/> 893 Environmental Matters<br><input type="checkbox"/> 895 Freedom of Information Act<br><input type="checkbox"/> 896 Arbitration<br><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision<br><input type="checkbox"/> 950 Constitutionality of State Statutes |
| REAL PROPERTY   | CIVIL RIGHTS  | PRISONER PETITIONS   |   |   |  |
| <input type="checkbox"/> 210 Land Condemnation<br><input type="checkbox"/> 220 Foreclosure<br><input type="checkbox"/> 230 Rent Lease & Ejectment<br><input type="checkbox"/> 240 Torts to Land<br><input type="checkbox"/> 245 Tort Product Liability<br><input type="checkbox"/> 290 All Other Real Property  | <input type="checkbox"/> 440 Other Civil Rights<br><input type="checkbox"/> 441 Voting<br><input type="checkbox"/> 442 Employment<br><input type="checkbox"/> 443 Housing/Accommodations<br><input type="checkbox"/> 445 Amer. w/Disabilities - Employment<br><input type="checkbox"/> 446 Amer. w/Disabilities - Other<br><input type="checkbox"/> 448 Education   | <b>Habeas Corpus:</b><br><input type="checkbox"/> 463 Alien Detainee<br><input type="checkbox"/> 510 Motions to Vacate Sentence<br><input type="checkbox"/> 530 General<br><input type="checkbox"/> 535 Death Penalty<br><b>Other:</b><br><input type="checkbox"/> 540 Mandamus & Other<br><input type="checkbox"/> 550 Civil Rights<br><input type="checkbox"/> 555 Prison Condition<br><input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement   |   |   |  |

**V. ORIGIN** (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. Section 1346

Brief description of cause:

Claim for damages caused by medical negligence of defendant's personnel at VA So. Nevada Healthcare System

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$  
20,000,000.00

CHECK YES only if demanded in complaint:  
JURY DEMAND:  Yes  No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE: 02/11/2019 SIGNATURE OF ATTORNEY OF RECORD: 

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_