

ORIGINAL

DISTRICT OF NEVADA
FILED

FEB 26 2003

CLERK

1 MIRCH & MIRCH
2 KEVIN J. MIRCH, ESQ.
3 SBN: 000923
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7 Reno, NV 89501
8 Tele: (775) 324-7444
9 Attorney for Plaintiff

10 IN THE UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 RICHARD W. LEWIS, Ph.D.,)

Case No. CV-N-99-0386-ECR(RAM)

13 Plaintiff,)

JOINT PRETRIAL ORDER

(Proposed)

14 v.)

15 ELIZABETH RICHITT, Ph.D.; RICHARD)
16 WEIHER, Ph.D., DAVID ANTONUCCIO,)
17 Ph.D., LOUIS MORTILLARO, DENNIS)
18 ORTWEIN, CHRISTA PETERSON,)
19 STATE OF NEVADA, BOARD OF)
20 PSYCHOLOGICAL EXAMINERS,)

21 Defendants.)

DEPUTY
DANIEL WILSON
CLERK

03 FEB 27 PM 1:10

FILED

22 With respect to the following pretrial proceedings in this case: IT IS ORDERED:

23 I. **Nature of the action:**

24 Plaintiff was an eminent Psychologist licensed to practice in the State of Nevada. Prior to
25 the conduct described below, Dr. Lewis regularly practiced as a forensic expert in various courts
26 including but not limited to the Second Judicial District Court in and for the County of Washoe. For
27 several years, Dr. Lewis has worked, on a contract basis, with Washoe County to provide
28 independent commitment evaluations. Mr. Duff was a disgruntled party to an child custody dispute.
Dr. Lewis was retained by the State Court to interview Mr. Duff and determine his ability to properly
care for his 2 sons. Mr. Duff disagreed with Dr. Lewis' findings. As a result, Mr. Duff took
affirmative steps to cause damage to Dr. Lewis.

276

1 Specifically, Mr. Duff participated in a conspiracy with certain individuals within the State
2 of Nevada to cause harm to Dr. Lewis. Mr. Duff filed a number of false complaints with the Board
3 of Psychological Examiners. The false complaints resulted in a private reprimand being issued
4 against Dr. Lewis. Thereafter, the public reprimand was improperly published in the monthly
5 psychological newsletter.

6 The Lewis disciplinary investigation was marred with fraud. Specifically, the Board and the
7 Attorney General's Office withheld exculpatory evidence from Dr. Lewis and held ex parte meetings
8 with Board Members prior to formal discipline being imposed. The ex-parte meetings included,
9 but were not limited to regular discussions in person and by phone as well as the transfer of
10 documents prior to the hearing. The transfer of documents prior to the hearing without the same
11 being disclosed or admitted into evidence tainted the process. This preheating procedure was outside
12 the scope of the of duties of the Board of Psychological Examiners.

13 On May 20, 1995, a hearing was held before the Board. On July 20, 1995, the Board entered
14 its findings of fact and conclusions of law. The Board stated that Lewis' evaluation of Duff was
15 deficient for the following reasons: (1) Lewis did not inform the district court how Duff's
16 medications might affect his performance on the psychological tests; (2) Lewis' selective reporting
17 of psychological findings left the impression that Duff was of substandard intelligence; and (3)
18 Lewis failed to avoid misleading the district court when he did not explain that Duff fell within the
19 average range of intellectual functioning. Accordingly, the Board ordered that Lewis be issued a
20 private letter of reprimand and that he pay \$ 4,000.00 for the cost of the disciplinary proceedings.
21 These findings were contrary to the Fifth Amendment Rights of Dr. Lewis as the Attorney General's
22 Office had a number of ex-parte communications with the Board, falsified findings of fact, and failed
23 to disclose conflicts that existed between the parties, and had a financial interest in the litigation.

24 As a result of this conspiracy, on July 20, 1995, false findings of fact were proffered by
25 Ronda Moore and signed by Christa Peterson, imposing a fine of \$4,000 and a private reprimand
26 upon Dr. Lewis. Later, the fine was arbitrarily increased to \$6,000.00. These findings of fact were
27

1 false, retaliatory, designed to avoid paying amounts due to Western Counseling Services and to cause
2 uncertainty within Nevada Youth Care Providers. The findings of fact were false as the Board
3 either dismissed most of the claims or had found no evidence to support the same. Dr. Lewis was
4 not aware of the false findings until receiving a confidential transcript of deliberations between
5 Board Members and a representative of the Attorney General's Office, Mr. Marcher. Dr. Lewis
6 received a copy of that transcript at the end of October of 1998.

7 While acting under color of law, the Attorney General's Office actually contacted Mr. Duff
8 and his attorneys and provided information, without a subpoena, to aid them in their civil litigations.
9 Again, this conduct was outside the purview of the Board of Psychological Examiners. Mr. Duff
10 provided false information.

11 Duff then used to the Attorney General's Office to obtain information about Dr. Lewis that
12 he could use in his civil action against Dr. Lewis. The Attorney General's Office knew that the
13 information was disseminated in order to help Mr. Duff obtain a judgment against Dr. Lewis.

14 **II. Jurisdiction:**

15 The jurisdiction of this case is conferred by Section 1983, 28 U.S. C. Sections 2201, 2202
16 and the fifth and fourteenth amendments to the United States Constitution.

17 **III. The following material facts are admitted by the parties and require no proof:**

18 Mr. Duff has admitted to providing information to the State Board of Examiners
19 (Psychology). Mr. Duff denies that the information was false.

20 **IV. The following facts, though not admitted, will not be contested at trial.**

21 None.

22 **V. The following facts are contested issues of fact to be tried and determined upon trial**

23 Plaintiff will be required to prove that Mr. Duff participated in a scheme to cause Dr. Lewis
24 to lose his license. From Mr. Duff's perspective, that scheme was pursued in an attempt to cause
25 a State Court to change its decision with respect to a child custody case. The State of Nevada
26

1 participated in the scheme in order to avoid paying amounts due under a contract entered into by Dr.
2 Lewis with the Division of Child and Family Services.

3 **VIII. The following are issues of law to be tried and determined upon trial:**

4 The main issue is whether litigation fraud resulting in a denial of due process has a basis in
5 law. It appears that it does. This case essentially involves a litigation fraud be perpetrated upon Dr.
6 Lewis in order to benefit Mr. Duff's child custody case. The litigation fraud resulted in Dr. Lewis'
7 being deprived of due process. Mr. Duff knew that the information he was providing to the State
8 of Nevada was false. That information resulted in the destruction of Plaintiff's business and
9 professional reputation. See *Dixon v. Commissioner of Internal Revenue Service*, 26 F.3d 105; 1994
10 U.S. App. LEXIS 14460; 94-1 U.S. Tax Cas. (CCH) P50,286; 73 A.F.T.R.2d (RIA) 2266; 94 Cal.
11 Daily Op. Service 4415; 94 Daily Journal DAR 8145.

12
13 **IX. Plaintiff's statement of additional issues of fact or law:**

14 None.

15 **X. Defendant's additional issues of fact or law:**

16 Defendant has failed to participate in the preparation of this Proposed Joint Pretrial Motion.

17 **XI. Exhibits:**

18 Plaintiff's Exhibits are as follows:

- 19
- 20 1. Correspondence to Neal Cury dated 4/27/93 from Department of Human
- 21 Resources.
- 22 2. Request for Release of Information to Dr. Weiher from Janet Guinn dated
- 23 7/14/97.
- 24 3. Transcript of State Board of Psychological Examiners Disciplinary Hearing
- 25 re. Dr. Richard Lewis, dated 3/20/95.
- 26 4. Foster v. Duff. Second Judicial District Court, Transcript of Motion to
- 27 Modify Child Custody dated 7/6/93.
- 28 5. Chart of Division of Child & Family Services.

- 1 6. Policy & Procedures Southern Nevada Child and Adolescent Services of the Division of
2 Child & Family Services, Permanent Placement Services, effective date 8/1/93.
- 3 7. Correspondence to Dr. Weiher from the Office of the Atty. General, Nancy Pervers, Esq.
4 10/6/93 re: Dr. Lewis with attached Repayment Schedule.
- 5 8. Correspondence from Dr. Jerry Nims to Michael Hix at Pioneer Bank re Dr. Lewis,
6 dated 6/17/94.
- 7 9. Contract between the Nevada Department of Human Resources and Western
8 Counseling Services entered into on 6/20/94.
- 9 10. Cash Flow Projection.
- 10 11. Proposal to State of Nevada Department of Human Resources Division of Child
11 and Family Services submitted by Dr. Lewis and Dr. Nims on behalf of Western
12 Counseling Services, dated 2/7/94.
- 13 12. Dr. Lewis Financial Statement dated 6/14/94.
- 14 13. Correspondence from Dr. Weiher to Ronda Moore dated 9/1/94 regarding Dr. Lewis.
- 15 14. Correspondence from the Office of the Atty. General, Ronda Moore, Esq., to Dr.
16 Lewis dated 9/1/94 regarding Complaint to Board of Psychological Examiners and
17 intended action.
- 18 15. Correspondence from the Office of the Atty. General, Ronda Moore, Esq. to Pamela
19 Wilmore dated 2/9/95.
- 20 16. Correspondence from the Office of the Atty. General, Ronda Moore, Esq., to Pamela
21 Wilmore, dated 4/24/95 regarding Dr. Lewis.
- 22 17. Complaint and Notice of Hearing filed with the Nevada State Board of Psychological
23 Examiners, dated 4/28/95 signed by Ronda Moore, Esq.
- 24 18. Transcript of the Closed Confidential Hearing regarding Dr. Lewis in front of the
25 Nevada State Board of Psychological Examiners dated 5/20/95.
- 26 19. Findings of Fact, Conclusions of Law and Order by the Nevada Board of Psychological
27 Examiners in regards to Dr. Lewis, dated 7/20/95.
- 28 20. Correspondence to Terri Martin from Dr. Lewis for Western Counseling Services, dated
7/20/95, regarding payment for services.
- 21 21. Summons and Complaint filed in the matter of Duff v. Lewis, Second Judicial District
22 Court, Case No. CV95-04874.
- 23 22. Article written from the Nevada State Board of Pyschology, Update on Disciplinary
24 actions, regarding Dr. Lewis, written by Christa Peterson, Ph.D.
- 25 23. Order from the Nevada State Board of Psychological Examiners regarding Dr. Lewis
26 dated 8/28/95, signed by Christa Peterson.

- 1 24. Minutes for Contract Provider's Meeting, dated, 10/20/95.
- 2 25. Minutes for Nevada Youth Care Providers, dated 11/13/95 with Task Force Report.
- 3 26. Minutes for Nevada Youth Care Providers, dated 12/5/95.
- 4 27. Correspondence from the Nevada Division of Human Resources, Division of Child
5 & Family Services to Christa Peterson, dated 1/24/96 regarding plan regarding
overspending on budget acct. 3229, from Ken Patterson, Administrator.
- 6 28. Minutes for Meeting of Nevada Youth Care Providers dated 2/22/96.
- 7 29. Correspondence from Ken R. Patterson, Administrator, Nevada Division of
8 Human Resources, Child & Family Services to Brian Link dated 1/30/96.
- 9 30. Correspondence to Western Counseling Services from Craig Wetzel re
assignment of contract, dated 3/29/96.
- 10 31. Article from the Nevada State Psychological Association's Board of Directors Meeting
11 dated 12/4/95 regarding Old Business.
- 12 32. Correspondence from Washoe County Senior Services, Despina Hatton, Esq., to Andrea
Chatburn dated 2/21/96.
- 13 33. Memo to Park Place from Andrew Rosaschi, dated 3/14/96 regarding financial
14 responsibility/Andrea Chatburn.
- 15 34. Correspondence from Dr. Lewis to Ms. Carrillo at Interstate Insurance Co., regarding
16 Case No. CV95-05891, Washoe County.
- 17 35. Memorandum correspondence from Dr. Lewis to Barbara Neuneker, Bureau of Disability
18 Adjudication dated 5/26/96.
- 19 36. Affidavit of Dr. Jerry Nims, In Re Matter of the Estate of Andrew J. Rosaschi, Second
20 Judicial District Court, Case No. CV96-03132, dated 9/4/96.
- 21 37. Correspondence to "Brian" (no last name) from Dick Lewis, regarding upcoming board
22 meeting dated 6/6/96.
- 23 38. Chart of the Nevada Board of Psychological Examiners, Scope of Practice Comparison,
24 dated 1/23/97.
- 25 39. Order filed 12/6/96, In Re Matter of the Estate of Andrew J. Rosaschi, Second
26 Judicial District Court, Case No. CV96-03132.
- 27 40. Will Proponent's Settlement Conference Statement, filed 2/20/97, In Re Matter of the
28 Estate of Andrew J. Rosaschi, Second Judicial District Court, Case No. CV96-03132.
41. Complaint for Damages and Demand for Jury filed on 1/22/98 in the matter of
Wong v. Ellison, U.S. Dist. Court of Nevada, Case No. CV-N-98-00030 HDM(RAM).
42. Correspondence from Ty Duff, dated 2/13/98 to Eric Lerude, Esq., regarding letter

- 1 dated 2/5/98.
- 2 43. Correspondence from Tyrone Duff and Linda Duff to Dr. Lewis dated 7/16/93 requesting
3 documents.
- 4 44. Correspondence from Tyrone Duff and Linda Duff to Judge Jordan, regarding Duff v.
5 Foster, dated 7/32/93.
- 6 45. Correspondence from Dr. Lewis to Tyrone Duff, dated 7/21/93.
- 7 46. Correspondence from Judge Jordan to Tyrone Duff, dated 7/29/93.
- 8 47. Correspondence marked "Draft: from Eric Lerude to Judge Jordan, regaring Duff v. Duff
9 and Duff v. Foster, dated 3/2/98.
- 10 48. Memo from the Nevada State Board of Psychological Examiners to Dr. Lewis, regarding
11 audit- repayment schedule, dated 3/5/98.
- 12 49. Correspondence from Martin Crowley, Esq., of American Legal Services to Eric
13 Lerude, regarding Duff v. Foster, dated 6/5/98.
- 14 50. Appellants's Motion for Order Shortening Time on Petition for Rehearing, dated 8/6/96,
15 filed in the Nevada Supreme Court, Docket No. 29582, Duff v. Lewis.
- 16 51. Correspondence from Eric Lerude, Jones Vargas to Dr. Lewis, dated 8/31/98, regarding
17 Duff v. Lewis.
- 18 52. Correspondence from Eric Lerude, Jones Vargas to Dr. Lewis, dated 9/2/98 with attached
19 draft ltr. dated 9/3/98 to Nancy Wenzel from Eric Lerude regarding Duff v.
20 Lewis.
- 21 53. Correspondence from Eric Lerude, Jones Vargas to Martin Crowley, Esq, American
22 Legal Services date 9/10/98 re Foster v. Duff & Richard Lewis.
- 23 54. Correspondence from Eric Lerude, Jones Vargas, to Nancy Wenzel, Atty. General's Office
24 dated 9/10/98 regarding Duff v. Lewis.
- 25 55. Correspondence from Eric Lerude to Judge Jordan, dated 10/22/98 regarding Duff v.
26 Duff, Case No. D88-1238, with attached Affidavit of Judge Jordan and attached
27 Affidavit of Andrea Chatburn.
- 28 56. Consumer Complaint Process document with handwritten date of 10/23/98.
57. Fax from Dr. Nims to Kevin dated 4/13/99, regarding Motion with attached Affidavit of
Jerry Nims dated 4/13/99.
58. Legal Capacity Questionnaire re Rosasachi, dated 10/26/96 with attached Minutes of the
10/30/95 Meeting of the Nevada Youth Care Providers.
59. Correspondence from Kevin Mirch, Esq., to Nancy Wenzel, Esq. Atty. General's Office,
dated 10/29/98 regarding Dr. Lewis.

- 1 60. Typewritten information regarding Joan Burley and Mike Cappullo, dated 1/2/98.
- 2 61. Complaint and Notice of Hearing In the Matter of Jerry P. Nims, Ph.D., from the
3 Nevada Board of Psychological Examiners, dated 3/23/99 signed by Ronda Moore
of the Atty. General's Office.
- 4 62. Typewritten information regarding Additional Thoughts re Dr. Weiher and Tyrone Duff,
5 dated 10/25/98.
- 6 63. Correspondence from Eric Lerude dated 2/5/98 to Marcus Nash, Esq. of Stafford,
7 Frey, Cooper and Martin Crowley, Esq. of American Legal Services regarding
8 Duff v. Lewis.
- 9 64. Unsigned copy of Order Re: Dr. Lewis' Notes, Memos, Findings, Etc., in Duff v. Duff/Duff
10 v. Foster., Case Nos. D88-1238 and CV90-7020, Second Judicial District
11 Court.
- 12 65. Correspondence from Dr. Lewis to Bruce Ebert, Ph.D., expert witness dated 1/17/01.
- 13 66. Bruce Ebert, Ph.D., Diploma, Fee Schedule and Resume.
- 14 67. Correspondence from Bruce Ebert, Ph.D., to Dick Lewis dated 1/12/01 regarding
15 being expert witness with attached bill from Bruce Ebert dated 1/12/01.
- 16 68. Correspondence from Bruce Ebert, Ph.D. to Dick Lewis dated 12/21/00 regarding
17 being an expert witness.
- 18 67. Exhibit List - Exhibit 43 to 64.
- 19 68. Minutes of the Meeting of Nevada Youth Care Providers dated 12/5/95.
- 20 69. Correspondence from Dr. Weiher to Ronda Moore of the Atty. General's Office
21 dated 9/1/94 regarding Dr. Lewis.
- 22 70. Correspondence from Ronda Moore of the Atty. General's Office to Dr. Lewis, dated
23 12/21/00 regarding Complaint to Board of Psychological Examiners and Notice of
Intended Action.
- 24 71. Correspondence from Ronda More of the Atty. General's Office to Pamela Wilmore
25 dated 2/9/95 regarding regulations.
- 26 72. Article regarding Common Problems and Their Causes Resulting in Disciplinary Actions,
27 written by Christa Peterson, Division of Child and Family Services, Las
Vegas, in Professional Conduct and Discipline in Psychology.
- 28 73. Evidence of Conspiracy Chart.
74. Order filed 8/22/2001 in the matter of Wallace v. Richitt, U.S. District Court,
Case No. 98-0427-ECR(VPC).

1 Defendant has not provided a List of Exhibits.
2

3 **X. Statement of depositions to be offered at trial:**

4 **Plaintiff:** Deposition of Tyrone Duff.

5 **Defendant:** Defendant has failed to participate in the preparation of this Proposed Joint
6 Pretrial Order.

7 **XI. Objections to admission of deposition testimony.**

8 Defendant has failed to participate in the preparation of this Proposed Joint Pretrial
9 Order.
10

11 **XII. The following witnesses may be called by the parties at trial:**

12 **A. Plaintiff's Witnesses:**

13 Dr. Richard Lewis
14 c/o Kevin J. Mirch, Esq.
201 W. Liberty Street, Suite 201
Reno, Nevada 89501

15 Dr. Jerry Nims
16 c/o Kevin J. Mirch, Esq.
201 West Liberty Street, Suite 201
Reno, Nevada 89501

17 Dr. Kenneth Clark
18 c/o Kevin J. Mirch, Esq.
201 West Liberty Street, Suite 201
19 Reno, Nevada 89501

20 Dr. John Wallace
21 c/o Kevin J. Mirch, Esq.
201 West Liberty Street, Suite 201
22 Reno, Nevada 89501

23 Judge Jordan
One S. Sierra St., 3rd Floor
24 P.O. Box 30083
Reno, Nevada 89520-3083
25 328-3800

26 Judge McGee
One S. Sierra St., 3rd Floor
27 P.O. Box 30083

1 Reno, Nevada 89520-3083
2 328-3179

3 Carol Vickory
4 c/o State of Nevada Attorney General's Office
5 100 N. Carson St.
6 Carson City, Nevada 89701-4717
7 684-3086 or 3087

8 Saul Sheck
9 3001 Tonni St.
10 Carson City, Nevada 89706
11 882-8959

12 Janet Guinn, Ph.D
13 c/o Mirch & Mirch
14 201 W. Liberty St.
15 Reno, Nevada 89501
16 775-324-7444

17 Kenneth Clark, M.D.
18 c/o Mirch & Mirch
19 201 W. Liberty St.
20 Reno, Nevada 89501
21 775-324-7444

22 Eric DeWhitt-Smith
23 current address unknown
24 747-7638

25 Earl Elliot
26 current address unknown

27 Robert McQueen, Ph.D.
28 Current Address Unknown

Jerry Young
1260 Tule Drive
Reno, Nevada 89511
853-7213

Robert Quilich
827-6711

Yee Han Chu
c/o State of Nevada Attorney General's Office
100 N. Carson St.
Carson City, Nevada 89701-4717

Pat Douglas-Woodruff
current address unknown

1 Ingrid M.E. Moore
2 983 Leah Circle
3 Reno, Nevada 89511
4 829-9382
5 Louis F. Mortillaro
6 505 S. Rancho Dr., #F-37
7 Las Vegas, Nevada 89106
8 702-388-9403

9 Kevin Christensen
10 c/o Mirch & Mirch
11 201 W. Liberty St.
12 Reno, Nevada 89501
13 775-324-7444

14 Sharon McGinnis
15 current address unknown
16 885-2002
17 883-7111

18 Ronda Moore
19 c/o State of Nevada Attorney General's Office
20 100 N. Carson St.
21 Carson City, Nevada 89701-4717
22 684-1228

23 Laura Day
24 current address unknown

25 Beverly Bachman
26 3010 Segre
27 Sparks, Nevada 89436
28 425-9318

Beverly Cleff, Ph.D.
4630 Spring Drive
Reno, Nevada 89502
827-5944
Charolotte Crawford
c/o State of Nevada Attorney General's Office
100 N. Carson St.
Carson City, Nevada 89701-4717
684-1228

Mr. Anzelone
c/o State of Nevada Attorney General's Office
100 N. Carson St.
Carson City, Nevada 89701-4717
684-1228

All Personnel at NMHI and Rural Clinics.
c/o State of Nevada Attorney General's Office

1 100 N. Carson St.
2 Carson City, Nevada 89701-4717
3 684-1228
4 Cindy Pizel, Esq.
5 c/o State of Nevada Attorney General's Office
6 00 N. Carson St.
7 Carson City, Nevada 89701-4717
8 684-1228

9 Mark Ghan, Esq.
10 c/o State of Nevada Attorney General's Office
11 100 N. Carson St.
12 Carson City, Nevada 89701-4717
13 684-1228

14 Each Member of the Board of Psychological Examiners
15 c/o State of Nevada Attorney General's Office
16 100 N. Carson St.
17 Carson City, Nevada 89701-4717
18 684-1228

19 Investigators used by the Nevada Board of Psychological Examiners in the investigation of
20 Drs. Lewis, Guinn and Wallace
21 c/o State of Nevada Attorney General's Office
22 100 N. Carson St.
23 Carson City, Nevada 89701-4717
24 684-1228

25 Robert Wittemore
26 c/o State of Nevada Attorney General's Office
27 100 N. Carson St.
28 Carson City, Nevada 89701-4717
684-1228

Christa Peterson
c/o State of Nevada Attorney General's Office
100 N. Carson St.
Carson City, Nevada 89701-4717
684-1228

Marilyn Newell
c/o State of Nevada Attorney General's Office
100 N. Carson St.
Carson City, Nevada 89701-4717
684-1228

Members of the Alaska Board of Psychological Examiners
c/o Alaska Attorney General's Office
Anchorage, Alaska

Investigators for the Alaska Board of Psychological Examiners
c/o Alaska Attorney General's Office

1 Anchorage, Alaska

2 Various Alaska Attorney Generals
3 c/o Alaska Attorney General's Office
4 Anchorage, Alaska
5 Alys Dobel
6 c/o State of Nevada Attorney General's Office
7 100 N. Carson St.
8 Carson City, Nevada 89701-4717
9 684-1228

10 Elizabeth Richitt
11 c/o State of Nevada Attorney General's Office
12 100 N. Carson St.
13 Carson City, Nevada 89701-4717
14 684-1228

15 Siri McMillan
16 NMHI
17 c/o State of Nevada Attorney General's Office
18 100 N. Carson St.
19 Carson City, Nevada 89701-4717
20 684-1228

21 Norma Abi-Karam
22 c/o State of Nevada Attorney General's Office
23 100 N. Carson St.
24 Carson City, Nevada 89701-4717
25 684-1228

26 Carlos Brandenburg
27 c/o State of Nevada Attorney General's Office
28 100 N. Carson St.
Carson City, Nevada 89701-4717
684-1228

Richard Weiher
c/o State of Nevada Attorney General's Office
100 N. Carson St.
Carson City, Nevada 89701-4717
684-1228

David Shapiro
current address unknown

Damon Drakulich
c/o Mirch & Mirch
201 W. Liberty St., Suite 201
Reno, Nevada 89501
324-7444

Yolanda Foster

1 address unknown

2 A. Stanyon Peck, Esq.
3 485 W. Fifth Street
4 Reno, Nevada

5 Kurt Mausert, Esq.
6 Unknown address

7 Neal Cury
8 Administrator of Truckee Meadows Hospital (past)
9 Address unknown (Florida)

10 Michael Hix
11 VP and Branch Manager
12 Pioneer Citizen's Bank
13 Sparks, NV.

14 Craig Wetzel
15 Purchased Placement Program Manager
16 6171 West Charleston
17 Las Vegas, NV.

18 Terri Martin
19 Capital Complex
20 711 East Fifth Street
21 Carson City, Nevada 89710-1002

22 Dale Loftis
23 Dorothy Pomin
24 Michelle Chern
25 Joan Burley
26 Alana Bryne
27 Deborah Ribnik
28 Andi and Scott Runnells
29 Carla Bennett
30 Leonard Carter
31 Nan Cervantes
32 Pam Reagan
33 Brandi MacLeod
34 Heather House
35 Carolyn Loftis
36 Kendra Johnson
37 Dr. Eric Albers
38 Rachel Cooper
39 Members of Nevada Youth Care Providers and related task force
40 Addresses unknown

41 Stephen Shaw, DHR Deputy Director
42 Thom Reilly, DCFS Deputy Administrator
43 David Bash, DCSF Deputy Administrator
44 Darrel Rexwinkel, DCFS Administrative Services Officer

1 Ken R. Patterson, Administrator for Division of Child and Family Services
2 Capital Complex
3 711 E. Fifth Street
4 Carson City, Nevada 89710-1002
5 687-5982
6 Brian Link
7 1000 S. 3rd St. Suite A
8 Las Vegas, Nevada 89101
9 687-8992

6 Eric Lerude
7 Jones Vargas
8 Post Office Box 281
9 Reno, Nevada 89504-0281

8 Martin Crowley, Esq.
9 P.O. Box 426
10 Reno, Nevada 89504

10 Nancy Wenzel, Esq.
11 c/o State of Nevada Attorney General's Office
12 100 N. Carson St.
13 Carson City, Nevada 89701-4717
14 684-1228

14 Bruce W. Ebert, Ph.D., J.D.
15 P.O. Box 600
16 Rocklin, CA 95677
17 Tele: (916) 781-7875
18 Fax:(916) 781-2632

16 **B. Defendant's Witnesses:**

17 Defendant has failed to participate in the preparation of this Proposed Joint Pretrial Order.

18 **C. Plaintiff's Objections to Defendant's Witnesses:**

19 Defendant has failed to participate in the preparation of this Proposed Joint Pretrial Order.

20 **D. Defendants' Objections to Plaintiff's Witnesses:**

21 Defendant has failed to participate in the preparation of this Proposed Joint Pretrial Order..

22 **XIII. Counsel proposes the following trial dates:**

23 Plaintiff's proposed trial dates are as follows: October 20 - 24, 2003; October 27-31, 2003
24 and November 17-21, 2003. Defendant has failed to participate in the preparation of this Proposed
25 Joint Pretrial Order.
26

1 **XIV. Counsel estimates the length of trial to be 5 days.**

2 DATED this _____ day of _____, 2003.

3
4 _____
5 UNITED STATES DISTRICT JUDGE

6 APPROVED AS TO FORM AND
7 CONTENT

8 RESPECTFULLY SUBMITTED this 26th day of February, 2003.

9 MIRCH & MIRCH

10 BY Kevin Mirch
11 KEVIN. J. MIRCH, ESQ. .
12 SBN: 000923
13 201 W. Liberty Street, Suite 201
14 P.O. Box 5396
15 Reno, Nevada 89513
16 (775) 324-7444
17 Attorney for Plaintiff

18 DATED this _____ day of _____ 2003.

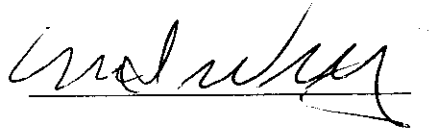
19 _____
20 TYRONE DUFF
21 P.O. Box 2512
22 Bellingham, WA 98225
23 Tele: (360) 752-1775

CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I certify that I am an employee of MIRCH & MIRCH over the age of eighteen (18) and that on this date I deposited in the United States mail, with postage prepaid, a true and correct copy of the foregoing **JOINT PRETRIAL ORDER (PROPOSED)** in an envelope addressed to:

Tyrone and Linda Duff
P.O. Box 2512
Bellingham, WA 98225

DATED this 26th day of February, 2003.

A handwritten signature in black ink, appearing to read "Michael", is written over a horizontal line.