

DISTRICT COURT CIVIL COVER SHEET

A- 16- 730555- C

Clark

County, Nevada

Case No.

(Assigned by Clerk's Office)

XIII

**I. Party Information** (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone): Ryan Pitterle	Defendant(s) (name/address/phone): Seven Hills Hospital, Inc.
Attorney (name/address/phone): Robert J. Flummerfelt, Esq. Canon Law Services, LLC - 410 S. Rampart Boulevard, Suite 390 Las Vegas, NV 89145 702.562.4144	Attorney (name/address/phone):

**II. Nature of Controversy** (please select the one most applicable filing type below)

**Civil Case Filing Types**

<p><b>Real Property</b></p> <p><b>Landlord/Tenant</b></p> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <p><b>Title to Property</b></p> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <p><b>Other Real Property</b></p> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<p><b>Negligence</b></p> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input checked="" type="checkbox"/> Other Negligence <p><b>Malpractice</b></p> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<p><b>Torts</b></p> <p><b>Other Torts</b></p> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
<p><b>Probate</b></p> <p>Probate (select case type and estate value)</p> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <p><b>Estate Value</b></p> <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	<p><b>Construction Defect &amp; Contract</b></p> <p><b>Construction Defect</b></p> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <p><b>Contract Case</b></p> <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	<p><b>Judicial Review/Appeal</b></p> <p><b>Judicial Review</b></p> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <p><b>Nevada State Agency Appeal</b></p> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <p><b>Appeal Other</b></p> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<p><b>Civil Writ</b></p> <p><b>Civil Writ</b></p> <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrantum	<p><b>Other Civil Filing</b></p> <p><b>Other Civil Filing</b></p> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters	

Business Court filings should be filed using the Business Court civil coversheet.

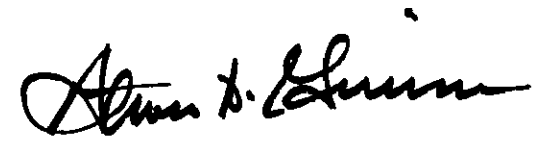
January 20, 2016

Date

*Allen M. Vandrielis*

Signature of initiating party or representative

See other side for family-related case filings.



CLERK OF THE COURT

1 **COMP**  
2 **ROBERT J. FLUMMERFELT, ESQ.**

Nevada Bar No.: 11122

3 **ELIZABETH M. TULLIO, ESQ.**

Nevada Bar No.: 13600

4 **CANON LAW SERVICES, LLC**

CanonLawServices@Gmail.com

5 410 S. Rampart Boulevard, Suite 390

Las Vegas, Nevada 89145

6 Telephone: (702) 562-4144

7 Facsimile: (702) 866-9868

8 Attorneys for Plaintiff Ryan Pitterle

9 **DISTRICT COURT**

10 **CLARK COUNTY, NEVADA**

11 RYAN PITTERLE, an individual

12 Plaintiff,

13 vs.

14 SEVEN HILLS HOSPITAL, INC., a Delaware  
15 corporation; and DOES I-X, and ROE  
16 CORPORATIONS 1-10, inclusive,

17 Defendants.

CASE NO.: A- 16 - 730555 - C

DEPT. NO.: XI I I

**COMPLAINT**

**(ARBITRATION EXEMPTION CLAIMED:  
Damages Exceed \$50,000.00)**

19 COMES NOW, Plaintiff RYAN PITTERLE, by and through his attorneys of record,  
20 ROBERT J. FLUMMERFELT, ESQ., and ELIZABETH M. TULLIO, ESQ., of the law firm of  
21 CANON LAW SERVICES, LLC, for Plaintiff's causes of action against Defendants and allege  
22 as follows:  
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Canon Law Services, LLC  
410 S. Rampart Blvd., Suite 390  
Las Vegas, Nevada 89145  
(702) 562-4144

I.

**PARTIES AND JURISDICTION**

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2  
3 1. All acts complained of and alleged herein occurred in Clark County, Nevada.

4 2. That Plaintiff, RYAN PITTERLE (hereinafter “Plaintiff” or “MR. PITTERLE”)  
5 was, at all times relevant, a resident of Clark County, Nevada.

6 3. That Defendant SEVEN HILLS HOSPITAL, INC., (hereinafter “Defendant” or  
7 “SEVEN HILLS”) is and, at all times relevant to this Complaint, was a Delaware corporation  
8 licensed and doing business in Clark County, Nevada.

9 4. Defendant is and was, at all times relevant to this Complaint, licensed and doing  
10 business as a skilled mental health facility, subject to the requirements of federal and state law  
11 applicable thereto.

12 5. Pursuant to NRCP 10(a) and Nurenberger Hercules-Werke GMBH v. Virostek,  
13 107 Nev. 873 (Nev. 1991), the identity of resident and non-resident Defendants designated  
14 herein as DOES I-X and ROE CORPORATIONS 1-10, inclusive, are unknown to Plaintiffs at  
15 this present time; however, it is alleged and believed these Defendants were involved in the  
16 initiation, approval, support, or execution of the wrongful acts on which this action is premised,  
17 or of similar actions directed against Plaintiffs about which they are presently unaware. As the  
18 specific identities of these parties are revealed through the course of discovery, the DOES and  
19 ROES will be replaced to identify these parties by their true names and capacities.  
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22 6. Jurisdiction and venue are proper in this Court.  
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II.

**GENERAL ALLEGATIONS**

7. Plaintiff is a husband and father of two children who suffers from anxiety and clinical depression.

8. Plaintiff receives treatment for these conditions with medication and counseling.

9. Recently, Plaintiff was having difficulties with high-level anxiety and depression.

10. Plaintiff was referred to a medical evaluation program being conducted at University of California Los Angeles (UCLA) to treat depression; however, Plaintiff was ultimately not selected for the program. Following this setback, a family conflict pushed Plaintiff further into a depressive spiral. As such, he sought help from his psychiatrist.

11. Plaintiff's counselor suggested that since Plaintiff was seeking help for an acute issue, he should admit himself to Defendant SEVEN HILLS HOSPITAL for inpatient treatment.

12. Following a referral, Plaintiff voluntarily admitted himself to SEVEN HILLS on December 11, 2015, at 1:08 p.m.

13. Upon admittance, Defendant's staff contacted Plaintiff's wife and asked her if Plaintiff is a threat to himself or others, if there were any guns in the home, or if Plaintiff knows how to use a gun. Plaintiff's wife responded "no" to all of these questions.

14. Plaintiff is a deeply religious and compassionate man who has never expressed or evidenced any form of dangerous behavior; he has not, nor would he ever, hurt himself or others.

...

1           15.       Despite Plaintiff not evidencing any danger to himself or others, SEVEN HILLS  
2 submitted an Emergency Admission Form stating that Mr. Pitterle needed immediate  
3 involuntary treatment on December 11, 2015.

4           16.       A psychiatrist did not evaluate Mr. Pitterle as is required under NRS 433A until  
5 December 13, 2015.

6           17.       Defendant did not follow statutory requirements to hold Plaintiff following his  
7 change in status from a voluntary admission. Specifically, NRS 433A.145(2) requires that a  
8 voluntary admission whose status is changed to an emergency admission must not be detained  
9 in excess of forty-eight (48) hours after the change in status is made unless, before the close of  
10 business day on which the 48 hours expires, a written petition is filed with the clerk of the  
11 District Court pursuant to NRS 433A.200.

12           18.       Plaintiff's requests to be released were ignored, and Plaintiff's family members  
13 were not permitted to see him or receive any information as to why Plaintiff could not be  
14 released.

15           19.       Plaintiff's requests to contact or be evaluated by his own medical professional  
16 knowledgeable in Plaintiff's history and situation were also ignored.

17           20.       Plaintiff's mother, Ms. Jennifer Pitterle, went to Defendant's facility and  
18 attempted to have her son released.

19           21.       Following a discussion with the reception staff, Defendant threatened Plaintiff's  
20 mother that if she did not leave SEVEN HILLS' reception area, they would hold Plaintiff even  
21 longer than the statutory 72-hour period.

22           22.       There has been no justification, reports, evaluations, or explanation as to why  
23 Plaintiff could not be released or that he was an immediate threat to himself or others.  
24

1           23.       On December 16, 2015, Plaintiff's family, through counsel, submitted a demand  
2 letter to Defendant for Plaintiff's release following the expiration of the statutory 72-hour time  
3 period at 7:00 p.m.

4           24.       Following receipt of this demand letter, Defendant submitted a Petition on  
5 December 16, 2015, by a Gargi Trivedi, M.D., to hold Plaintiff involuntarily. This petition is a  
6 form letter and in no way explained or justified Plaintiff's immediate and necessary need to be  
7 held against his will.

8           25.       As a result of the filing of this petition, a hearing was set and held on December  
9 18, 2015, at 1:30 p.m., before a Hearing Master at Southern Nevada Adult Mental Health  
10 Services.

11           26.       Plaintiff was held for an additional 48-hours following the expiration of the  
12 statutory 72-hour time period on December 16, 2015.

13           27.       At the hearing held December 18, 2015, Defendant was ordered to release  
14 Plaintiff immediately, finding that there was no justification to hold Plaintiff involuntarily.

15           28.       Plaintiff entered SEVEN HILLS as a voluntary admission on December 11,  
16 2015, and was held involuntarily until December 18, 2015—more than 72-hours beyond the  
17 expiration of the statutory time period of NRS 433A.145(2), and more than 48-hours beyond  
18 the expiration of the statutory time period under NRS 433A.150.

19           29.       At no time did Plaintiff pose a risk of imminent harm to himself or others as  
20 defined by statute, and his continued involuntary admission to a mental health facility or  
21 hospital was unnecessary, unjustified, and counterproductive for Plaintiff's mental well-being.

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**III.**

**FIRST CLAIM FOR RELIEF**

**NEGLIGENCE PER SE – VIOLATION OF NRS 433A**

**(Plaintiff v. Defendant)**

30. Plaintiff repeats and re-alleges the allegations contained above and by this reference incorporate the same herein as if set forth in full.

31. NRS Chapter 433A prescribes the statutory scheme and authority for mental health admissions, and specifically under NRS 433A.160 for involuntary admissions.

32. Defendant SEVEN HILLS involuntarily held Plaintiff without justification and not in accordance with statutory authority.

33. Plaintiff entered Seven Hills as a voluntary admission on December 11, 2015, and was held involuntarily until December 18<sup>th</sup>, 2015—more than 72-hours beyond the expiration of the statutory time period of NRS 433A.145(2), and more than 48-hours beyond the expiration of the statutory time period under NRS 433A.150.

34. Defendant had a duty to abide by the law and follow the statutory guidelines as set forth in NRS Chapter 433A regarding emergency admission and evaluation of Plaintiff.

35. Defendant breached that duty when it displayed malicious behavior in its complete disregard for the statutory authority and by threatening Plaintiff's family members with improperly holding Plaintiff longer, as well as disregarding the statutory scheme for involuntary commitment.

36. As a result of Defendant's violation of NRS 433A.150, Plaintiff has suffered harm and financial damages in excess of ten thousand dollars (\$10,000.00), an amount to be proven at trial.

...

1 37. As a direct and proximate result of Defendants’ violation of NRS 651.090,  
2 Plaintiff has been required to retain the services of Canon Law Services, LLC, and is entitled to  
3 an award of attorney’s fees and costs.

4 IV.  
5 SECOND CLAIM FOR RELIEF  
6 FALSE IMPRISONMENT  
7 (Plaintiff v. Defendant)

8 38. Plaintiff repeats and re-alleges the allegations contained above and by this  
9 reference incorporate the same herein as if set forth in full.

10 39. Plaintiff entered SEVEN HILLS as a voluntary admission on December 11,  
11 2015, and was held involuntarily until December 18, 2015—more than 72-hours beyond the  
12 expiration of the statutory time period of NRS 433A.145(2), and more than 48-hours beyond  
13 the expiration of the statutory time period under NRS 433A.150.

14 40. Defendant’s acts directly resulted in the confinement of Plaintiff in the  
15 boundaries fixed by Defendant at its facility.

16 41. Plaintiff was conscious of the confinement and was harmed by said confinement.

17 42. Defendant is not civilly immune under NRS 433A.740 as it acted maliciously  
18 and/or in bad faith. Specifically, when Defendant threatened Plaintiff’s mother with a longer  
19 involuntary hold if she did not leave the hospital lobby, and by disregarding the statutory  
20 scheme for involuntary commitment.

21 43. As a result of Defendant’s false imprisonment of Plaintiff, Plaintiff has suffered  
22 harm and financial damages in excess of ten thousand dollars (\$10,000.00).

23 ...

24 ...



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1 44. As a direct and proximate result of Defendant's false imprisonment of Plaintiff,  
2 Plaintiff has been required to retain the services of Canon Law Services, LLC, and is entitled to  
3 an award of attorney's fees and costs.  
4

5 **V.**

6 **THIRD CLAIM FOR RELIEF**

7 **VIOLATION OF CONSTITUTIONAL RIGHTS - 42 U.S.C. § 1983**

8 **(Plaintiff v. Defendant)**

9 45. Plaintiff repeats and re-alleges the allegations contained above and by this  
10 reference incorporate the same herein as if set forth in full.

11 46. The Nevada Supreme Court has held that "Nevada statutory provisions allowing  
12 private persons to detain the mentally ill constitute a delegation of state power, and the restraint  
13 of individuals against their will under a statutory grant of power constitutes state  
14 action." Cummings v. Charter Hosp. of Las Vegas, Inc., 896 P.2d 1137, 1144-45 (Nev. 1995).  
15 Consequently, the hospital Defendants, are state actors for § 1983 purposes when exercising  
16 power under the emergency admission statute, Nevada Revised Statutes § 433A.160.  
17

18 47. The actions of Defendant constitute unreasonable deprivation of liberty without  
19 due process of law in violation of the Fourth and Fourteenth amendments to the United States  
20 Constitution.

21 48. Defendant violated the constitutional rights of Plaintiff through unlawful  
22 detention by failing to abide by the statutory scheme under NRS 433A.160, 433A.15(2), or NRS  
23 433A.150.

24 49. Plaintiff was willfully, maliciously, and intentionally imprisoned without  
25 justification, or authority under NRS Chapter 433A when Defendant held Plaintiff involuntarily  
26 from December 11, 2015, until December 18, 2015; more than 72-hours beyond the expiration  
27

1 of the statutory time period of NRS 433A.145(2) and more than 48-hours beyond the expiration  
2 of the statutory time period under NRS 433A.150.

3 50. Plaintiff was willfully, maliciously, and intentionally imprisoned without  
4 justification or authority under NRS Chapter 433A when Defendant held Plaintiff involuntarily  
5 and without permitting Plaintiff's family or medical health professionals to assist him.  
6

7 51. The intentional use of an involuntary admission of Plaintiff by Defendant  
8 violated the following rights of Plaintiff as guaranteed by the Fourth and Fourteenth  
9 Amendments to the United States Constitution:

10 a. Freedom from the deprivation of medical treatment and/or medication in  
11 violation of his Fourteenth Amendment.

12 b. Freedom from the deprivation of life or liberty without due process of law and  
13 from unreasonable force in violation of the Fourteenth Amendment.  
14

15 52. As a direct and proximate result of Defendant's actions, Plaintiff endured pain  
16 and suffering and was deprived of his physical liberty, all in excess of \$10,000.00.

17 53. The involuntary hold of Plaintiff by Defendants was done with actual malice  
18 toward Plaintiff and with willful and wanton indifference to and deliberate disregard for the  
19 constitutional rights of Plaintiff. Plaintiff is thus entitled to exemplary damages against the  
20 individual defendants in their individual capacities, all in excess of ten thousand dollars  
21 (\$10,000.00).  
22

23 54. Plaintiff is entitled to compensatory and exemplary damages resulting from the  
24 violation of the aforementioned rights under 42 U.S.C. § 1983, all in excess of ten thousand  
25 dollars (\$10,000.00).

26 55. That as a direct result of the acts and omissions of the Defendants, and each of  
27 them, Plaintiff was caused to suffer physical and mental injury pain and suffering, and delay in  
28

1 medical treatment and other related costs, medical, and lost wages, all in excess of ten thousand  
2 dollars (\$10,000.00).

3 56. Plaintiff has been forced to pursue this action in search of justice and to enforce  
4 the provisions of 42 U.S.C. § 1983 and is therefore entitled to be awarded reasonable attorney's  
5 fees as part of his costs pursuant to 41 U.S.C. § 1988 in an amount in excess of ten thousand  
6 dollars (\$10,000.00).  
7

8 **VI.**

9 **PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiff expressly reserves the right to amend this Complaint at time of  
11 Trial to include all items of damages not yet ascertained, prays for each and every  
12 aforementioned cause of action, the following relief against Defendants:

- 13 1. For general damages in an amount in excess of ten thousand dollars  
(\$10,000.00); a sum to proven at trial;
- 14 2. For economic damages in an amount in excess of ten thousand dollars  
(\$10,000.00); a sum to proven at trial;
- 15 3. For punitive damages in an amount in excess of ten thousand dollars  
(\$10,000.00); a sum to proven at trial;
- 16 4. For attorney's fees and costs herein pursuant to 42 U.S.C. § 1988;
- 17 5. For prejudgment interest as provided by law; and
- 18 6. For such other and further relief as the Court may deem just and equitable.

19 DATED this 20<sup>th</sup> day of January, 2016.

20 /s/ ROBERT J. FLUMMERFELT, ESQ.

21 **ROBERT J. FLUMMERFELT, ESQ.**

Nevada Bar No.: 11122

22 **ELIZABETH M. TULLIO, ESQ.**

Nevada Bar No.: 13600

23 **CANON LAW SERVICES, LLC**

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27 Attorneys for Plaintiff Ryan Pitterle