

1 **COMJD**

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13 *Attorneys for Plaintiff Cynthia McArdle*

14 **DISTRICT COURT**

15 **CLARK COUNTY, NEVADA**

16 CYNTHIA MCARDLE, an individual,

17 Plaintiff,

18 vs.

19 SEVEN HILLS HOSPITAL, LLC d/b/a SEVEN  
20 HILLS BEHAVIORAL HEALTH HOSPITAL a  
21 foreign limited-liability company; ACADIA  
22 HEALTHCARE COMPANY, INC., a foreign  
23 corporation; ACADIA ASSURANCE  
24 COMPANY, a foreign company; DOES I  
25 through X; and ROE CORPORATIONS I  
26 through X, inclusive,

27 Defendants.

Case No.: A-17-762822-C

Dept. No.: Department 32

**COMPLAINT**

**DEMAND FOR JURY TRIAL**

**Arbitration Exemption Requested:**

1. **Action for Medical Malpractice**
2. **Damages in Excess of \$50,000**

28 Plaintiff CYNTHIA MCARDLE, by and through her attorneys of record, the law firm MAIER GUTIERREZ & ASSOCIATES, hereby demands a trial by jury and complains and alleges against the above-named defendants, and defendants DOES I through X and ROE CORPORATIONS I through X (collectively "Defendants") as follows:

**GENERAL ALLEGATIONS**

1. Plaintiff CYNTHIA MCARDLE is a resident of the County of Clark, State of Nevada.
2. Upon information and belief, defendant SEVEN HILLS HOSPITAL, LLC d/b/a SEVEN HILLS BEHAVIORAL HEALTH HOSPITAL ("Seven Hills Hospital") is, and all times

1 pertinent hereto was, a foreign limited-liability company licensed to conduct business in Clark  
2 County, Nevada as a medical provider pursuant to N.R.S. Chapters 630 and 449, and is vicariously  
3 liable for its employees, agents, and/or servants in their actions.

4 3. Upon information and belief, defendant ACADIA HEALTHCARE COMPANY,  
5 INC., (“Acadia Healthcare”) is, and at all times pertinent hereto was, a foreign corporation licensed  
6 to conduct business in Clark County, Nevada as a medical provider pursuant to N.R.S. Chapters 630  
7 and 449, and is vicariously liable for its employees, agents, and/or servants in their actions.

8 4. Upon information and belief, defendant ACADIA ASSURANCE COMPANY  
9 (“Acadia Assurance Company”) is, and at all times pertinent hereto was, a foreign company licensed  
10 to conduct business in Clark County, Nevada, and is vicariously liable for its employees, agents,  
11 and/or servants in their actions.

12 5. The true names and capacities, of other individuals, corporations, associations,  
13 partnerships or otherwise, of the defendants herein designated as DOES I-X and ROE  
14 CORPORATIONS I-X, inclusive, are unknown to plaintiff, which includes the names of any treating  
15 physicians at Seven Hills Hospital, LLC who are involved in the underlying allegations. Therefore,  
16 Plaintiff sues said defendants by such fictitious names. Plaintiff will seek leave of the Court to insert  
17 the true names and capacities of such defendants when the same have been ascertained and will further  
18 seek leave to join said defendants in these proceedings.

19 6. That all times pertinent, defendants, and each of them, were the agents, ostensible  
20 agents, servants, employees, employers, partners, co-owners, and/or joint ventures of each other and  
21 of their co-defendants, and were acting within the color, purpose and scope of their employment,  
22 agency, ownership, and/or joint ventures and by reason of such relationships with defendants, and  
23 each of them, are vicariously and jointly and severally responsible and liable for the acts and/or  
24 omissions of their co-defendants.

25 7. At all times mentioned, the defendants were the designers, contractors, sub-  
26 contractors, vendors, maintainers, owners, managers, inspectors, supervisors and/or controllers of the  
27 premises and common areas generally known as Seven Hills Behavioral Hospital, located at 3021 W.  
28 Horizon Ridge Parkway Las Vegas, Nevada 89052.

1 **ALLEGATIONS COMMON TO ALL CLAIMS**

2 **OWNERSHIP AND MANAGEMENT OF SEVEN HILLS HOSPITAL**

3 8. Upon information and belief, at all times relevant herein, defendant Acadia Healthcare  
4 fully owned and operated defendant Seven Hills Hospital.

5 9. Upon information and belief, at all times relevant herein, defendant Acadia Healthcare,  
6 defendant Acadia Assurance Company, and defendant Seven Hills Hospital were jointly responsible  
7 for maintaining the standard of care, condition, security, and maintenance of the Seven Hills Hospital  
8 facility.

9 10. Upon information and belief, an act of any representative of defendant Seven Hills  
10 Hospital is imputed to defendant Acadia Healthcare and defendant Acadia Assurance Company

11 11. Plaintiff's claims arise out of errors and omissions of defendants Seven Hills Hospital,  
12 Acadia Healthcare, and Acadia Assurance Company, and/or their employees, agents and/or servants,  
13 and their failure to appropriately monitor, inform, document, and/or implement appropriate medical  
14 and other treatment to Plaintiff, resulting in damages.

15 **DEFENDANTS BREACHED DUTIES OWED TO THEIR PATIENT PLAINTIFF**

16 12. On or about October 31, 2016, Plaintiff suffered a severe anxiety attack stemming from  
17 her father's cancer diagnosis.

18 13. Following the anxiety attack, Plaintiff was admitted as an inpatient to Seven Hills  
19 Hospital on October 31, 2016.

20 14. As a patient in need of medical assistance, Plaintiff trusted and expected Seven Hills  
21 Hospital not to further aggravate her fragile mental condition during her time at the facility.

22 15. However, throughout Plaintiff's stay as a patient at Seven Hills Hospital, she was  
23 distressed due to the uncomfortable presence of a male patient who was allowed to invade her personal  
24 space and express an inappropriate and unreciprocated romantic interest in her.

25 16. The subject male patient is referenced throughout this Complaint as "Patient John  
26 Doe," as his exact identity is unknown at this time.

27 17. While Plaintiff was supposed to be receiving medical care and support at Seven Hills  
28 Hospital, Patient John Doe was given free rein to threateningly lurk around Plaintiff in an overt and

1 aggressive manner, and his conduct did not go unnoticed by the other patients.

2 18. Patient John Doe's constant presence made Plaintiff feel extremely uncomfortable, and  
3 she legitimately feared for her safety because she was unable to get away from his advances.

4 19. Another patient, who upon information and belief is named Nancy, pointed out to the  
5 Seven Hills Hospital staff that Patient John Doe would not leave Plaintiff alone, but the staff members  
6 refused to do anything about it.

7 20. Plaintiff herself complained to the Seven Hills Hospital staff multiple times regarding  
8 Patient John Doe and the unwelcome attention she was receiving as a result of the inappropriate  
9 behaviors he was exhibiting towards her.

10 21. Plaintiff's complaints also went unanswered, as the hospital staff failed to  
11 acknowledge Plaintiff's concerns, let alone actually investigate and act on them.

12 22. Patient John Doe's stalking and lurking over Plaintiff was so obvious that other patients  
13 felt compelled to protect Plaintiff after Seven Hills Hospital took no action. Several other patients  
14 tried to prevent Patient John Doe from sitting next to Plaintiff or from following her around, but  
15 Patient John Doe was undeterred.

16 23. On or around November 3, 2016, while Plaintiff was waiting for her husband to visit  
17 her at the designated meeting room for visitors at Seven Hills Hospital, Patient John Doe followed  
18 Plaintiff into the meeting room – even though he was not expecting any visitors.

19 24. Patient John Doe then confronted Plaintiff in the waiting room, where he told her: "I'm  
20 going to fuck you."

21 25. Plaintiff became frightened by Patient John Doe's presence and threats and asked that  
22 he leave the waiting room. When he refused, Plaintiff reported the situation to Seven Hills Hospital's  
23 staff, but the damage was done, as Plaintiff was so overwhelmed by the disturbing encounter that she  
24 suffered an acute hypertensive episode.

25 26. Prior to becoming admitted at Seven Hills Hospital, Plaintiff had a history of suffering  
26 from sexual abuse, so she had a foreboding sense that something terrible would happen if Seven Hills  
27 Hospital refused to act on the issue.

28 27. The situation culminated on November 4, 2016, when Plaintiff entered her hospital

1 room at Seven Hills Hospital and went to her private bathroom only to find Patient John Doe sitting  
2 on her toilet as he exposed his penis to her and masturbated.

3 28. Patient John Doe was not supposed to have access to Plaintiff's hospital room, and  
4 Seven Hills Hospital had previously been warned about his aggressive conduct toward Plaintiff, but  
5 the staff at Seven Hills Hospital still allowed Patient John Doe to access Plaintiff's hospital room,  
6 which was located directly in front of the nurse's station.

7 29. Upon entering her private bathroom and seeing Patient John Doe undressed from the  
8 waist down and masturbating right in front of her, Plaintiff panicked and ran out of the room,  
9 completely traumatized and terrified.

10 30. Plaintiff immediately told Gatish, the Seven Hills Hospital Nurse who was supposed  
11 to be supervising the area, about Patient John Doe trespassing into her room and inappropriately  
12 exposing himself and masturbating in her presence. Gatish simply told Plaintiff to go into the TV  
13 room while he removed Patient John Doe from her room, as if the incident was a common occurrence  
14 that should not have mentally disturbed Plaintiff.

15 31. Later that day, Plaintiff told her treating physician about discovering Patient John Doe  
16 masturbating in her hospital bathroom, but Seven Hills Hospital was not interested in addressing the  
17 emotional distress Plaintiff suffered as a result of its negligence, and failed to offer any support or  
18 recourse to Plaintiff.

19 32. Shortly thereafter, Plaintiff was discharged from Seven Hills Hospital on or around  
20 November 4, 2016, which was beyond the 72 hour hold standard in Nevada.

21 33. Following her stay at Seven Hills Hospital, Plaintiff has been plagued with recurrent  
22 panic episodes and nightmares.

23 **FIRST CLAIM FOR RELIEF**

24 **(Professional Negligence/Medical Malpractice Against All Defendants)**

25 34. Plaintiff repeats and re-alleges the allegations of the preceding paragraphs of the  
26 complaint as though fully set forth herein, and incorporates the same herein by reference.

27 35. Defendant Seven Hills Hospital, and its principals Acadia Healthcare and Acadia  
28 Assurance Company, by and through their employees, agents, and/or servants, owed Plaintiff a duty

1 to use the reasonable care, skill or knowledge ordinarily used in similar circumstances.

2 36. The staff at Seven Hills Hospital had a duty to use such skill, prudence, and diligence  
3 as other members of the medical community possess and exercise.

4 37. Defendant Seven Hills Hospital, and its principals Acadia Healthcare and Acadia  
5 Assurance Company, by and through their employees, agents, and/or servants, breached their duty of  
6 care by failing to appropriately treat Plaintiff's medical condition during her stay at Seven Hills  
7 Hospital. In fact, Defendants' negligence only worsened Plaintiff's medical condition.

8 38. As a direct result of Defendants' actions and/or omissions, Plaintiff incurred significant  
9 injuries and has suffered significant damages.

10 39. As a proximate result of the negligence of defendant Seven Hills Hospital, and its  
11 principals Acadia Healthcare and Acadia Assurance Company, by and through their employees,  
12 agents, and/or servants, by failing to take actions to protect and secure Plaintiff from a dangerous and  
13 aggressive patient who presented himself as a threat to her mental health, Plaintiff endured extreme  
14 pain and suffering and emotional distress as a result of her injuries.

15 40. Defendants' medical malpractice included, but was not limited to, medical care below  
16 the reasonable standard by allowing such a medical facility to become understaffed, so much so that  
17 it resulted in enabling a patient to be mentally abused by another patient throughout her stay at the  
18 hospital, all of which is actionable under N.R.S. 41A.

19 41. As a direct and proximate cause of Defendants' medical malpractice and negligence as  
20 described herein, Plaintiff has suffered mental and emotional anguish, pain and suffering, loss of  
21 enjoyment of life, all or some of which may exist into the future or be permanent, all to her general  
22 damage in an amount in excess of fifteen thousand dollars (\$15,000.00).

23 42. As a direct and proximate cause of Defendants' malpractice and negligence as  
24 described herein, Plaintiff has been caused, and will in the future be caused, to incur medical expenses,  
25 and expenses for care incidental thereto, both past and future, in an amount in excess of fifteen  
26 thousand dollars (\$15,000.00).

27 43. As a direct and proximate cause of Defendants' medical malpractice and negligence as  
28 described herein, Plaintiff has been caused, and will in the future be caused, to incur lost wages and

1 income, both past and future, in an amount to be determined at time of trial.

2 44. That as a further proximate result of Defendants' negligent acts/omissions, Plaintiff  
3 has been forced to retain the services of attorneys in this matter and therefore seeks reimbursement  
4 for attorneys' fees and costs.

5 **SECOND CLAIM FOR RELIEF**

6 **(Negligence/Gross Negligence against all Defendants)**

7 45. Plaintiff repeats and re-alleges the allegations of the preceding paragraphs of the  
8 complaint as though fully set forth herein, and incorporates the same herein by reference.

9 46. At all times relevant hereto, Defendants assumed the responsibility of providing a safe  
10 environment for the hospital patients.

11 47. As such, Defendants owed a duty to use reasonable care in providing the necessary  
12 staff for Plaintiff's protection, which included providing responsible security staff, nursing staff, or  
13 other staff who could have prevented Plaintiff from being mentally abused and harassed by a fellow  
14 patient at Seven Hills Hospital.

15 48. Defendants had actual or constructive knowledge that the staff levels were not high  
16 enough and the supervision of the hospital was not sufficient.

17 49. Defendants had actual or constructive knowledge that the danger to Plaintiff was  
18 foreseeable.

19 50. Notwithstanding, Defendants did nothing to remedy the security issues, and failed to  
20 implement measures that would prevent injury to Plaintiff.

21 51. Defendants breached their duties owed to Plaintiff by failing to implement and  
22 maintain safety and security procedures for Plaintiff's protection, which includes failing to provide  
23 Plaintiff with responsible security personnel, nursing staff, or any type of staff to protect her from the  
24 aggressive and unwanted tactics of a fellow patient.

25 52. Defendants' acts/omissions were substantially and appreciably higher in magnitude  
26 and more culpable than ordinary negligence, as the failure to provide Plaintiff with a safe environment  
27 while she was locked in the facility constitutes indifference to a legal duty.

28 53. As a direct and proximate result of Defendants' negligence, Plaintiff received

1 psychological treatment for suffered mental and emotional anguish, pain and suffering, loss of  
2 enjoyment of life, all or some of which may exist into the future or be permanent, all to her general  
3 damage in an amount in excess of fifteen thousand dollars (\$15,000.00).

4 54. As a direct and proximate result of Defendants' negligence, Plaintiff sustained past and  
5 future loss of earnings and earning capacity in an amount to be proven at trial.

6 55. As a direct and proximate cause of Defendants' negligence as described herein,  
7 Plaintiff has been caused, and will in the future be caused, to incur medical expenses, and expenses  
8 for care incidental thereto, both past and future, in an amount in excess of fifteen thousand dollars  
9 (\$15,000.00).

10 56. As a direct and proximate result of Defendants' negligence, Plaintiff has been required  
11 to and has limited certain occupational and recreational activities, which have caused, and shall  
12 continue to cause, mental and emotional anguish, loss of earnings capacity, lost wages, and loss of  
13 enjoyment of life.

14 57. That as a further proximate result of Defendants' negligent acts/omissions, Plaintiff  
15 has been forced to retain the services of attorneys in this matter and therefore seeks reimbursement  
16 for attorneys' fees and costs.

17 **THIRD CLAIM FOR RELIEF**

18 **(Negligent Hiring, Training and/or Supervision Against All Defendants)**

19 58. Plaintiff repeats and re-alleges the allegations of the preceding paragraphs of the  
20 complaint as though fully set forth herein, and incorporates the same herein by reference.

21 59. Defendants owed a duty of care to Plaintiff.

22 60. Defendants were negligent in hiring, training, and supervising the staff personal at  
23 Seven Hills Hospital.

24 61. At all times relevant hereto, the staff at Seven Hills Hospital were employees of Seven  
25 Hills Hospital, and its principals Acadia Healthcare and Acadia Assurance Company.

26 62. Upon information and belief, the staff at Seven Hills Hospital failed to protect Plaintiff  
27 from a fellow patient at the hospital, and ignored her requests for assistance in keeping Patient John  
28 Doe away from her.





1 73. The physician-patient relationship is based on trust and confidence.

2 74. Society has placed medical providers in an elevated position of trust, and, therefore,  
3 the medical providers are obligated to exercise utmost good faith.

4 75. As medical providers to Plaintiff, Defendants owed a fiduciary duty to Plaintiff.

5 76. Defendants breached their fiduciary duty to Plaintiff by intentionally ignoring  
6 Plaintiff's requests for assistance with respect to a fellow patient who was causing her mental and  
7 emotional distress, and further aggravating her mental condition.

8 77. As a direct and proximate result of the breach of fiduciary duty of Defendants, and  
9 each of them, Plaintiff has suffered mental and emotional anguish, pain and suffering, loss of  
10 enjoyment of life, all or some of which may exist into the future or be permanent, all to her general  
11 damage in an amount in excess of fifteen thousand dollars (\$15,000.00).

12 78. As a direct and proximate cause of the breach of fiduciary duty of Defendants, and  
13 each of them, Plaintiff has been caused, and will in the future be caused, to incur medical expenses,  
14 and expenses for care incidental thereto, both past and future, in an amount in excess of fifteen  
15 thousand dollars (\$15,000.00).

16 79. As a direct and proximate result of the breach of fiduciary duty of Defendants, and  
17 each of them, Plaintiff sustained past and future loss of earnings and earning capacity in an amount to  
18 be proven at trial.

19 80. As a direct and proximate result of the breach of fiduciary duty of Defendants, and  
20 each of them, Plaintiff has been required to and has limited certain occupational and recreational  
21 activities, which have caused, and shall continue to cause, loss of earning capacity, lost wages and  
22 loss of enjoyment of life.

23 81. That as a further proximate result of Defendants' breach of fiduciary duty, Plaintiff has  
24 been forced to retain the services of attorneys in this matter and therefore seeks reimbursement for  
25 attorneys' fees and costs.

26 **FIFTH CLAIM FOR RELIEF**

27 **(Breach of Confidential Relationship/Constructive Fraud Against All Defendants)**

28 82. Plaintiff repeats and re-alleges each and every allegation of the preceding paragraphs

1 of the complaint as though fully set forth herein and incorporates the same herein by reference.

2 83. A confidential relationship may arise through a professional or business relationship  
3 between the parties when one party gains the confidence of the other and purports to act or advise  
4 with the other's interests in mind.

5 84. Because of Defendants' position as professionals that were responsible for treating the  
6 mental and emotional condition of Plaintiff, Plaintiff placed great trust and confidence in Plaintiffs  
7 and relied on Plaintiffs to act with her interest in mind in providing her appropriate care, treatment,  
8 and security at Seven Hills Hospital.

9 85. Therefore, Defendants owed a legal or equitable duty to Plaintiff arising from the  
10 confidential relationship between the parties.

11 86. Defendants breached their duties under the confidential relationship by failing to  
12 implement and maintain safety and security procedures for Plaintiff's protection, which includes  
13 failing to provide Plaintiff with responsible security personnel, nursing staff, or any type of staff to  
14 protect and secure Plaintiff from a dangerous and aggressive patient who presented himself as a threat  
15 to her mental health.

16 87. Defendants also breached their duties under the confidential relationship by failing to  
17 properly treat Plaintiff's mental condition, as the condition only became exacerbated after Defendants  
18 refused to treat the emotional and mental distress their actions/omissions caused.

19 88. As a direct and proximate result of the breach of confidential relationship of  
20 Defendants, and each of them, Plaintiff has suffered mental and emotional anguish, pain and suffering,  
21 loss of enjoyment of life, all or some of which may exist into the future or be permanent, all to her  
22 general damage in an amount in excess of fifteen thousand dollars (\$15,000.00).

23 89. As a direct and proximate cause of the breach of confidential relationship of  
24 Defendants, and each of them, Plaintiff has been caused, and will in the future be caused, to incur  
25 medical expenses, and expenses for care incidental thereto, both past and future, in an amount in  
26 excess of fifteen thousand dollars (\$15,000.00).

27 90. As a direct and proximate result of the breach of confidential relationship of  
28 Defendants, and each of them, Plaintiff sustained past and future loss of earnings and earning capacity

1 in an amount to be proven at trial.

2 91. As a direct and proximate result of the breach of confidential relationship of  
3 Defendants, and each of them, Plaintiff has been required to and has limited certain occupational and  
4 recreational activities, which have caused, and shall continue to cause, loss of earning capacity, lost  
5 wages and loss of enjoyment of life.

6 92. That as a further proximate result of Defendants' breach of confidential relationship,  
7 Plaintiff has been forced to retain the services of attorneys in this matter and therefore seeks  
8 reimbursement for attorneys' fees and costs.

9 **SIXTH CLAIM FOR RELIEF**

10 **(False Imprisonment Against All Defendants)**

11 93. Plaintiff repeats and realleges the allegations in the preceding paragraphs of the  
12 complaint as though fully set forth herein and incorporate the same herein by reference.

13 94. Upon becoming admitted at Seven Hills Hospital for a 72-hour hold, Plaintiff was not  
14 free to leave.

15 95. Upon information and belief, Defendants intentionally and wrongfully prevented  
16 Plaintiff from leaving the boundaries of the facility after the expiration of 72 hours.

17 96. Upon information and belief, Defendants' acts directly or indirectly resulted in the  
18 confinement of Plaintiff.

19 97. Plaintiff was conscious of the confinement and was harmed by it, as Plaintiff suffered  
20 from severe distress after she walked in on Patient John Doe masturbating in her bathroom beyond  
21 the 72-hour holding period.

22 98. Defendants knew or should have known, that preventing Plaintiff from leaving the  
23 premises would result in a high probability of harm arising from the false imprisonment of Plaintiff.

24 99. As a direct and proximate result of Defendants' actions, Plaintiff has suffered mental  
25 and emotional anguish, pain and suffering, loss of enjoyment of life, all or some of which may exist  
26 into the future or be permanent, all to her general damage in an amount in excess of fifteen thousand  
27 dollars (\$15,000.00).

28 100. As direct and proximate cause of Defendants' actions described herein, Plaintiff has

1 been caused, and will in the future be caused, to incur medical expenses, and expenses for care  
2 incidental thereto, both past and future, in an amount in excess of fifteen thousand dollars  
3 (\$15,000.00).

4 101. As a direct and proximate result of Defendants' actions described herein, Plaintiff  
5 sustained past and future loss of earnings and earning capacity in an amount to be proven at trial.

6 102. As a direct and proximate result of Defendants' actions described herein, Plaintiff has  
7 been required to and has limited certain occupational and recreational activities, which have caused,  
8 and shall continue to cause, loss of earning capacity, lost wages and loss of enjoyment of life.

9 103. That as a further proximate result of Defendants' actions described herein, Plaintiff has  
10 been forced to retain the services of attorneys in this matter and therefore seeks reimbursement for  
11 attorneys' fees and costs.

12 **SEVENTH CLAIM FOR RELIEF**

13 **(Intentional Infliction of Emotional Distress Against all Defendants)**

14 104. Plaintiff repeats and realleges the allegations of the preceding paragraphs of the  
15 complaint as though fully set forth herein and incorporates the same herein by reference.

16 105. Defendants' acts and omissions described above left Plaintiff vulnerable to the actions  
17 of Patient John Doe, and her injuries could have been prevented were it not for the extreme or  
18 outrageous conduct of Defendants.

19 106. The lack of action on the part of Defendants constituted a reckless disregard for  
20 Plaintiff and her safety and caused lasting emotional distress to Plaintiff.

21 107. Plaintiff suffered severe and/or extreme emotional distress as the actual and/or  
22 proximate result of the conduct of Defendants.

23 108. The actions of Defendants, or lack thereof, were so severe or extreme and without  
24 regard for their patient's safety, that Plaintiff is entitled to an award of punitive damages.

25 109. As a direct and proximate result of Defendants' actions, Plaintiff has suffered mental  
26 and emotional anguish, pain and suffering, loss of enjoyment of life, all or some of which may exist  
27 into the future or be permanent, all to her general damage in an amount in excess of fifteen thousand  
28 dollars (\$15,000.00).



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6. For such other relief as the Court deems just and proper.

DATED this 10<sup>th</sup> day of October, 2017.

Respectfully submitted,  
**MAIER GUTIERREZ & ASSOCIATES**

/s/ Joseph A. Gutierrez  
JOSEPH A. GUTIERREZ, ESQ.  
Nevada Bar No. 9046  
DANIELLE J. BARRAZA, ESQ.  
Nevada Bar No. 13822  
8816 Spanish Ridge Avenue  
Las Vegas, Nevada 89148  
*Attorneys for Plaintiff Cynthia McArdle*

AFFIDAVIT OF THOMAS E. BITTKER, M.D, Ltd.

State of Nevada                    )  
  )ss.  
County of Washoe                 )

Thomas E. Bittker, MD being first duly sworn hereby attests to and states the following:

1.     That I am a duly licensed physician specializing in psychiatry in the State of Nevada. A copy of my curriculum vitae which sets forth my education, training and experience is attached hereto.
2.     That I have reviewed the medical records of Cynthia McArdle.
3.     That I practice in the same and/or a similar area of medicine as the physicians at Seven Hills Hospital and I am familiar with the standard of care as it applies to the psychiatric care of Ms. McArdle.
4.     Upon review of Ms. McArdle's medical records, it is my opinion to a reasonable degree of medical probability that Seven Hills Hospital, and perhaps the attending psychiatrist, fell below the standard of care by failing to pay attention to background factors that could have complicated Ms. McArdle's presenting problem.
5.     It is my opinion to a reasonable degree of medical probability that if Ms. McArdle was stalked and pursued inside the Seven Hills Hospital facility and she reported the behavior to hospital staff, then this clearly indicates the failure of Seven Hills Hospital to satisfy its duty of ensuring the safety of a vulnerable woman who has previously been sexually traumatized.

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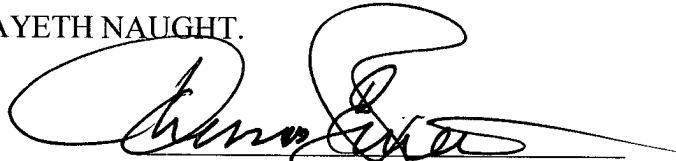
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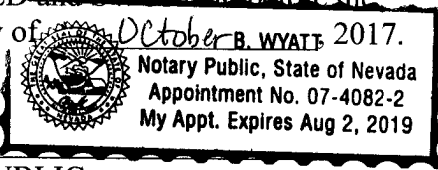

6. That I can testify to these facts and opinions as stated above and can provide a detailed analysis to support my opinions. Upon receiving additional information, Affiant reserves the right to change my opinions.

FURTHER YOUR AFFIANT SAYETH NAUGHT.



Thomas E. Bittker, MD

SUBSCRIBED and SWORN to before me  
this 9 day of October B. WYATT 2017.



Notary Public, State of Nevada  
Appointment No. 07-4082-2  
My Appt. Expires Aug 2, 2019

NOTARY PUBLIC