

1988

Rolando Avila v. Robert T. Winn : Unknown

Utah Supreme Court

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UTAH SUPREME COURT

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BRIEF

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DOCKET NO. **880482**

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IN THE SUPREME COURT OF THE STATE OF UTAH

ROLANDO AVILA,)

Plaintiff-)
Appellant,)

vs.)

ROBERT T. WINN, M.D.; HOLY)
CROSS FAMILY HEALTH AND)
EMERGENCY CENTER; HOLY CROSS)
HOSPITAL PARK CITY AMBULANCE;)
HOLY CROSS HOSPITAL; DAVID)
HOWE, M.D.,)

Case No. 880482

Defendants-)
Respondents.)

ERRATA OF BRIEF

The appellant, by and through counsel of record, hereby submits the following errata sheet to its Opening Brief:

1. Page 18, paragraph 2, third sentence of the Brief of the Appellant which reads "A hearing was held in December, 1986 and defendants filed a Motion to Dismiss Plaintiff's Complaint in May, 1986 clearly before the pre-litigation hearing . . ." should read "A hearing was held in December, 1986 and defendants filed a Motion to Dismiss Plaintiff's Complaint in November, 1987 arguing that plaintiff had commenced litigation before the hearing . . ."

2. Page 31, third line down from the top which reads, "Any further action in this case was tolled by Judge Brian until July 12, 1988 when a complete hearing could be held. (Exhibit "I"). By filing in December, plaintiff would not have only violated Judge Brian's Order, but he would have still been in violation of §78-14-12 because such filing would have still been before there was a complete review hearing;" should read as follows: "Any further action in this case was tolled by Judge Brian in March, 1988 until a complete hearing could be held. (Exhibit "I"). By filing in December, after the first review hearing, as argued by defendants, plaintiff would have still been in violation of §78-14-12 because such filing would have been before there was a complete review hearing. Furthermore, plaintiff's prior Complaint was not dismissed by Judge Brian allowing plaintiff to refile but rather Judge Brian denied the defendants' Motion to Dismiss and tolled any further proceedings pending a full pre-litigation panel review."

3. The hearing before Judge Murphy was held on October 17, 1988 rather than October 11, 1988 as contained in the reporter's transcript. Therefore, any cites to the October 11, 1988 transcript in defendant's Opening Brief or Reply Brief is referring to the hearing held before Judge Murphy on October 17, 1988.

4. For clarification the pre-litigation review hearing was held on July 6, 1988; but an opinion was not issued by the panel until July 12, 1988.

Respectfully submitted this 14 day of November,
1989.

BROWN, SMITH & HANNA

By: Budge W. Call
Budge W. Call

errata.av3

MAILING CERTIFICATE

I hereby declare that I caused to be mailed, postage prepaid, first class, a true and correct copy of the foregoing Errata of Brief, in Civil No. 880482, this 14th day of November, 1989, to:

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