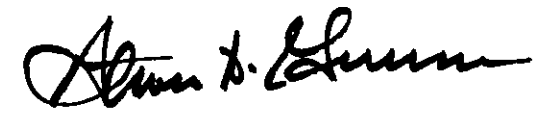


1 **JUDG**
2 MICHAEL J. SHANNON
3 Nevada Bar No. 007510
4 mshannon@lbbslaw.com



CLERK OF THE COURT

5 **LEWIS BRISBOIS BISGAARD**
6 **& SMITH LLP**

6385 S. Rainbow Blvd.
Suite 600
Las Vegas, Nevada 89118
(702) 893-3383
FAX: (702) 893-3789

7 Attorneys for Defendant/Counterclaimant
8 Shanna Downing, LCSW

9 **DISTRICT COURT**
10 **CLARK COUNTY, NEVADA**

11
12 DEBORAH HUNTER TYLO; CHRISTOPHER
13 M. TYLO; and MICHAEL E. TYLO, II,
14 IZABELLA G. TYLO and KATYA A. TYLO,
15 minor children, by and through their Guardian
16 DEBORAH HUNTER TYLO,

17 Plaintiffs,

18 v.

19 SHANNA DOWNING, LCSW; HORIZON
20 FAMILY THERAPY & WELLNESS, a Nevada
21 corporation; CLARK COUNTY SCHOOL
22 DISTRICT; and DOES I THROUGH X,

23 Defendants.

24 SHANNA DOWNING, LCSW,

25 Counterclaimant,

26 v.

27 DEBORAH HUNTER TYLO; CHRISTOPHER
28 M. TYLO; and MICHAEL E. TYLO, II,
IZABELLA G. TYLO and KATYA A. TYLO,
minor children, by and through their Guardian
DEBORAH HUNTER TYLO,

Counterdefendants.

CASE NO. A520132
DEPT NO.: XVI

**FINDINGS OF FACT, ORDER, AND
JUDGMENT**

FINAL DISPOSITIONS	
<input type="checkbox"/> Time Limit Expired	<input type="checkbox"/> Dismissed (with or without prejudice)
<input type="checkbox"/> Judgment Satisfied	<input type="checkbox"/> Paid in full
JUDGMENT TYPE	
<input checked="" type="checkbox"/> Sum Jdgmt	<input type="checkbox"/> Non-Jury Trial
<input type="checkbox"/> Jury Trial	<input type="checkbox"/> Other Trial
OTHER DISPOSITIONS	
<input type="checkbox"/> Slip Dis	<input type="checkbox"/> Slip Jdgmt
<input type="checkbox"/> Default Jdgmt	<input type="checkbox"/> Transferred
DISPOSITIONS	
<input type="checkbox"/> Voluntary Dis	<input type="checkbox"/> Involuntary (stat) Dis
<input type="checkbox"/> Jdgmt on Arb Award	<input type="checkbox"/> Mtn to Dis (by deft)

1 Defendant/Counterclaimant SHANNA DOWNING, LCSW (“Downing”) brought her Motion
2 for Summary Judgment on for hearing before Department XVI of the above-entitled Court on June
3 15, 2010, Honorable Timothy C. Williams presiding. Michael J. Shannon appeared on behalf of
4 Downing, and Lawrence R. Phillips appeared on behalf of Defendant Horizon Family Therapy &
5 Wellness (“Horizon”). No appearance was entered on behalf of Plaintiffs/Counterdefendants. The
6 Court, having examined the pleadings and papers on file herein, and having noted that no Opposition
7 was filed by Plaintiffs/Counterdefendants following appropriate service upon them of Downing’s
8 Motion, and being fully advised in the premises, rules as follows:

9 THE COURT FINDS, based on Plaintiff/Counterdefendants’ admissions, that the following
10 material facts are not in dispute:

11 1. Plaintiffs/Counterdefendants can produce no evidence that Downing was negligent in
12 any respect in her care and treatment of any member of the Tylo family;

13 2. Plaintiffs/Counterdefendants can produce no evidence that Downing breached the
14 standard of care applicable to a licensed clinical social worker during her care and treatment of any
15 member of the Tylo family;

16 3. Plaintiffs/Counterdefendants can produce no evidence that Downing improperly
17 breached confidentiality of any member of the Tylo family;

18 4. Plaintiffs/Counterdefendants can produce no evidence that Downing implanted false
19 memories in any member of the Tylo family;

20 5. Plaintiffs/Counterdefendants can produce no evidence that Downing breached a
21 fiduciary duty to any member of the Tylo family;

22 6. Plaintiffs/Counterdefendants can produce no evidence that Downing entered into/or
23 breached a contract with any member of the Tylo family;

24 7. Plaintiffs/Counterdefendants can produce no evidence that Downing defamed any
25 member of the Tylo family;

26 8. Plaintiffs/Counterdefendants can produce no evidence that any member of the Tylo
27 family was damaged and/or injured in any way by the care and treatment of Downing;

28 9. Plaintiff/Counterdefendant Deborah Hunter Tylo attempted to suborn perjury from

1 Downing and threatened to sue Downing if Downing did not lie under oath as part of Tylo's divorce
2 proceedings in 2006;

3 10. Plaintiff/Counterdefendants sued Downing after Downing refused to sign an affidavit
4 containing false statements as part of Deborah Hunter Tylo's divorce case;

5 11. Plaintiffs/Counterdefendants never paid the total amount due to Downing for
6 Downing's counseling services.

7 On June 2, 2009, the Court conducted a prove-up hearing in which Downing testified under
8 oath as to her damages related to her Counterclaim. The Court has reviewed the transcript from this
9 hearing, as well as Downing's Revised Supplement to the Prove-Up Hearing, which was submitted
10 at the direction of the Court.

11 The Court subsequently set another prove-up hearing for September 2, 2010.
12 Plaintiff/Counterdefendant Deborah Hunter Tylo appeared in proper person at this hearing and
13 requested the Court give her additional time to obtain counsel for purposes of the prove-up hearing.
14 The Court granted this request and the prove-up hearing was continued to September 16, 2010. At
15 the time of the hearing on September 16, 2010, Plaintiffs/Counterdefendants failed to appear, either
16 in proper person or through counsel.

17 The issues having been duly heard, findings made as set forth in this Order, and a decision
18 been duly rendered,

19 IT IS HEREBY ORDERED AND ADJUDGED:

20 That Downing's Motion for Summary Judgment on both the claims against her and in favor
21 of her Counterclaim against Plaintiffs/Counterdefendants is GRANTED, that
22 Plaintiffs/Counterdefendants take nothing, that Plaintiffs/Counterdefendants' action be dismissed on
23 the merits, and that Downing recover from the Plaintiff/Counterdefendants damages as follows:

24	Special Damages:	\$26,879
25	Attorneys' fees/costs:	\$158,104
26	Noneconomic damages:	\$700,000
27	TOTAL	\$884,983

28 The Court hereby directs that, because there is no just reason for delay, final judgment be

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entered in favor of Downing on both Plaintiff/Counterdefendants' claims against her and on Downing's Counterclaim against Plaintiff/Counterdefendants.


DATED this 21st day of September, 2010.


DISTRICT COURT JUDGE

@

Respectfully submitted by:

LEWIS BRISBOIS BISGAARD & SMITH LLP


MICHAEL J. SHANNON
Nevada Bar No. 7510
6385 S. Rainbow Blvd., Ste. 600
Las Vegas, Nevada 89118
Attorneys for Defendant/Counterclaimant
Shanna Downing, LCSW