

**IN THE SUPREME COURT OF THE
STATE OF NEVADA**

HOME WARRANTY
ADMINISTRATOR OF NEVADA,
INC. dba CHOICE HOME
WARRANTY, a Nevada corporation,

Appellant,

vs.

STATE OF NEVADA, DEPARTMENT
OF BUSINESS AND INDUSTRY-
DIVISION OF INSURANCE, a Nevada
administrative agency,

Respondent.

Supreme Court No. 80218

First Judicial District Court
Case No. 17 OC 00218
Electronically Filed
May 12 2020 04:37 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Appeal from First Judicial District Court, State of Nevada, County of Clark
The Honorable James. T. Russell, District Judge

**APPELLANT'S APPENDIX
VOLUME I OF XIV
(AA000001 – AA000188)**

Constance L. Akridge, Esq.
Nevada Bar No. 3353
Sydney R. Gambee, Esq.
Nevada Bar No. 14201
Brittany L. Walker, Esq.
Nevada Bar No. 14641
Holland & Hart LLP
9555 Hillwood Drive, Second Floor
Las Vegas, Nevada 89134
Tel: (702) 669-4600
Fax: (702) 669-4650
clakridge@hollandhart.com
srgambee@hollandhart.com
blwalker@hollandhart.com

*Attorneys for Home Warranty Administrator of Nevada, Inc.
dba Choice Home Warranty, a Nevada corporation*

INDEX TO APPELLANT'S APPENDIX IN CHRONOLOGICAL ORDER

EXHIBIT DESCRIPTION	DATE	VOL.	PAGE NOS.
Complaint and Application for Order to Show Cause (Cause No. 17.0050)	05/09/17	I	AA000001 – AA000010
Application for Subpoena Duces Tecum to Home Warranty Administrator of Nevada, Inc. dba Choice Home Warranty (“HWAN”) (Cause No. 17.0050)	05/09/17	I	AA000011 – AA000014
Order to Show Cause (Cause No. 17.0050)	05/11/17	I	AA000015 – AA000018
Subpoena Duces Tecum to HWAN (Cause No. 17.0050)	05/11/17	I	AA000019 – AA000022
Petition to Enlarge Time to Respond to Subpoena Duces Tecum, with cover letter (Cause No. 17.0050)	06/01/17	I	AA000023 – AA000029
Notice of Non-Opposition to Respondent's Request for Extension of Time to Comply with Subpoena Duces Tecum (Cause No. 17.0050)	06/01/17	I	AA000030 – AA000031
Order on Petition to Enlarge Time to Respond to Subpoena Duces Tecum (Cause No. 17.0050)	06/05/17	I	AA000032 – AA000035
Second Request for Extension of Time to Comply with Subpoena Duces Tecum (Cause No. 17.0050)	06/14/17	I	AA000036 – AA000039
Notice of Non-Opposition to Respondent's Second Request for Extension of Time to Comply with Subpoena Duces Tecum (Cause No. 17.0050)	06/16/17	I	AA000040 – AA000041
Joint Request to Continue Hearing (Cause No. 17.0050)	06/20/17	I	AA000042 – AA000044
Order on Motion Requesting Extension of Time and Order on Joint Request for Continuance (Cause No. 17.0050)	06/22/17	I	AA000045 – AA000047
Pre-hearing Order (Cause No. 17.0050)	06/22/17	I	AA000048 – AA000053
Motion for Pre-hearing Deposition Subpoenas or, in the alternative, Application for Hearing Subpoenas and Application for Subpoena Duces Tecum (Cause No. 17.0050)	07/14/17	I	AA000054 – AA000064

EXHIBIT DESCRIPTION	DATE	VOL.	PAGE NOS.
Second Application for Subpoena Duces Tecum (Cause No. 17.0050)	07/19/17	I	AA000065 – AA000071
Request to Continue Hearing (Cause No. 17.0050)	07/20/17	I	AA000072 – AA000073
Limited Opposition to Motion for Pre-hearing Deposition Subpoenas or, in the alternative, Application for Hearing Subpoenas and Application for Subpoena Duces Tecum (Cause No. 17.0050)	07/21/17	I	AA000074 – AA000076
Notice of No Opposition to Request to Continue Hearing (Cause No. 17.0050)	07/24/17	I	AA000077 – AA000078
Subpoena Duces Tecum to HWAN (Cause No. 17.0050)	07/26/17	I	AA000079 – AA000083
Order on Motions (Cause No. 17.0050)	07/27/17	I	AA000084 – AA000091
Subpoena for Appearance at Hearing to Dolores Bennett (Cause No. 17.0050)	08/04/17	I	AA000092 – AA000095
Subpoena for Appearance at Hearing to Sanja Samardzija (Cause No. 17.0050)	08/04/17	I	AA000096 – AA000099
Subpoena for Appearance at Hearing to Vincent Capitini (Cause No. 17.0050)	08/04/17	I	AA000100 – AA000103
Subpoena Duces Tecum to the Commissioner of the State of Nevada Division of Insurance (the “Division”) (Cause No. 17.0050)	08/09/17	I	AA000104 – AA000108
Subpoena for Appearance at Hearing to Chloe Stewart (Cause No. 17.0050)	08/09/17	I	AA000109 – AA000112
Subpoena for Appearance at Hearing to Derrick Dennis (Cause No. 17.0050)	08/09/17	I	AA000113 – AA000116
Subpoena for Appearance at Hearing to Geoffrey Hunt (Cause No. 17.0050)	08/09/17	I	AA000117 – AA000120
Subpoena for Appearance at Hearing to Linda Stratton (Cause No. 17.0050)	08/09/17	I	AA000121 – AA000124
Subpoena for Appearance at Hearing to the State of Nevada, Division of Insurance Person Most Knowledgeable as to the Creation of the Division’s Annual Renewal Application Forms (Cause No. 17.0050)	08/09/17	I	AA000125 – AA000128

EXHIBIT DESCRIPTION	DATE	VOL.	PAGE NOS.
Subpoena for Appearance at Hearing to the State of Nevada, Division of Insurance Person Most Knowledgeable as to the Date of the Division's Knowledge of the Violations Set Forth in the Division's Complaint on File in this Cause (Cause No. 17.0050)	08/09/17	I	AA000129 – AA000132
Subpoena for Appearance at Hearing to Vicki Folster (Cause No. 17.0050)	08/09/17	I	AA000133 – AA000136
Subpoena for Appearance at Hearing to Kim Kuhlman (Cause No. 17.0050)	08/09/17	I	AA000137 – AA000140
Subpoena for Appearance at Hearing to Martin Reis (Cause No. 17.0050)	08/09/17	I	AA000141 – AA000144
Subpoena for Appearance at Hearing to Mary Strong (Cause No. 17.0050)	08/09/17	I	AA000145 – AA000148
Joint Request for Pre-hearing Conference (Cause No. 17.0050)	08/16/17	I	AA000149 – AA000152
Order Setting Pre-hearing Conference (Cause No. 17.0050)	08/17/17	I	AA000153 – AA000158
Order on Joint Application to Conduct Deposition (Cause No. 17.0050)	08/17/17	I	AA000159 – AA000164
Joint Application to Conduct Deposition to Preserve Hearing Testimony (Cause No. 17.0050)	08/21/17	I	AA000165 – AA000168
Amended Complaint and Application for Order to Show Cause (Cause No. 17.0050)	09/05/17	I	AA000169 – AA000177
Division's Pre-hearing Statement (Cause No. 17.0050)	09/06/17	I	AA000178 – AA000188
Proposed Hearing Exhibits and Witness List by Division (Cause No. 17.0050) (<i>Exhibits 1, 3, 6, 8-11, 13-20, 24-29, and 38-40 excluded from appendix as irrelevant to this appeal</i>)	09/06/17	II	AA000189 – AA000275
Hearing Exhibit List by HWAN (Cause No. 17.0050) (<i>Exhibits D, F-H, J-K, M-N, W-X, and HH excluded from appendix as irrelevant to this appeal</i>)	09/06/17	III	AA000276 – AA000499
HWAN's Pre-hearing Statement (Cause No. 17.0050)	09/08/17	IV	AA000500 – AA000513
List of Hearing Witnesses by HWAN (Cause No. 17.0050)	09/08/17	IV	AA000514 – AA000517

EXHIBIT DESCRIPTION	DATE	VOL.	PAGE NOS.
Updated Hearing Exhibits and Updated Witness List by Division (Cause No. 17.0050) <i>(Exhibits 41-42 excluded from appendix as irrelevant to this appeal)</i>	09/08/17	IV	AA000518 – AA000521
HWAN's Notice of Intent to File Supplemental Hearing Exhibits and Amended Hearing Exhibit List (Cause No. 17.0050)	09/11/17	IV	AA000522 – AA000582
Transcript of Hearing Proceedings on September 12, 2017 (Cause No. 17.0050)	09/12/17	IV-V	AA000583 – AA000853
Transcript of Hearing Proceedings on September 13, 2017 (Cause No. 17.0050)	09/13/17	V-VI	AA000854 – AA001150
Transcript of Hearing Proceedings on September 14, 2017 (Cause No. 17.0050)	09/14/17	VII	AA001151 – AA001270
HWAN's Notice of Filing Supplemental Hearing Exhibit SS (Cause No. 17.0050)	09/21/17	VII	AA001271 – AA001295
Order regarding Post-hearing Briefs and Written Closing Arguments (Cause No. 17.0050)	10/13/17	VII	AA001296 – AA001298
Division's Post-hearing Brief Pursuant to Order (Cause No. 17.0050)	10/30/17	VII	AA001299 – AA001307
HWAN's Post-hearing Brief on Hearing Officer's Inquiry (Cause No. 17.0050)	10/30/17	VII	AA001308 – AA001325
Motion to Strike Portions of the Division's Post-hearing Brief (Cause No. 17.0050)	11/13/17	VII	AA001326 – AA001332
Division's Opposition to Respondent's Motion to Strike Portions of the Division's Post-hearing Brief (Cause No. 17.0050)	11/14/17	VII	AA001333 – AA001338
Order regarding Motion to Strike and Written Closing Arguments (Cause No. 17.0050)	11/14/17	VII	AA001339 – AA001340
Division's Closing Statement (Cause No. 17.0050)	11/17/17	VII	AA001341 – AA001358
HWAN's Closing Argument (Cause No. 17.0050)	11/22/17	VIII	AA001359 – AA001378
Findings of Fact, Conclusions of Law, Order of Hearing Officer, and Final Order of the Commissioner (Cause No. 17.0050)	12/18/17	VIII	AA001379 – AA001409
Affirmation (Initial Appearance) (Case No. 17 OC 00269 1B)	12/22/17	VIII	AA001410 – AA001411

EXHIBIT DESCRIPTION	DATE	VOL.	PAGE NOS.
Petition for Judicial Review (Case No. 17 OC 00269 1B)	12/22/17	VIII	AA001412 – AA001458
Civil Cover Sheet (Case No. 17 OC 00269 1B)	12/22/17	VIII	AA001459
Order for Briefing Schedule (Case No. 17 OC 00269 1B)	12/26/17	VIII	AA001460 – AA001462
Affidavit of Service of Petition for Judicial Review on State of Nevada, Department of Business and Industry, Division of Insurance – Attorney General (Case No. 17 OC 00269 1B)	01/02/18	VIII	AA001463 – AA001464
Affidavit of Service of Petition for Judicial Review on State of Nevada, Department of Business and Industry, Division of Insurance –Commissioner of Insurance (Case No. 17 OC 00269 1B)	01/02/18	VIII	AA001465
Administrative Record (Case No. 17 OC 00269 1B)	01/12/18	VIII	AA001466 – AA001470
Motion for Stay of Final Administrative Decision Pursuant to NRS 233B.140 (Case No. 17 OC 00269 1B)	01/16/18	VIII	AA001471 – AA001486
Statement of Intent to Participate (Case No. 17 OC 00269 1B)	01/19/18	VIII	AA001487 – AA001489
Division’s Opposition to Motion for Stay of Final Administrative Decision Pursuant to NRS 233B.140 (Case No. 17 OC 00269 1B)	01/30/18	VIII	AA001490 – AA001503
Supplement to Division’s Opposition to Motion for Stay of Final Administrative Decision Pursuant to NRS 233B.140 (Case No. 17 OC 00269 1B)	01/31/18	VIII	AA001504 – AA001537
Reply in Support of Motion for Stay of Final Administrative Decision Pursuant to NRS 233B.140 (Case No. 17 OC 00269 1B)	02/08/18	VIII	AA001538 – AA001548
Request for Submission of Motion for Stay of Final Administrative Decision Pursuant to NRS 233B.140 (Case No. 17 OC 00269 1B)	02/08/18	VIII	AA001549 – AA001551
Notice of Entry of Order Denying Motion for Stay (Case No. 17 OC 00269 1B)	02/16/18	VIII	AA001552 – AA001559
Petitioner’s Opening Brief in Support of Petition for Judicial Review (Case No. 17 OC 00269 1B)	02/16/18	IX	AA001560 – AA001599
Stipulation and Order for Interpleading of Fines Pending Final Decision (Case No. 17 OC 00269 1B)	03/15/18	IX	AA001600 – AA001601

EXHIBIT DESCRIPTION	DATE	VOL.	PAGE NOS.
Respondent's Answering Brief (Case No. 17 OC 00269 1B)	03/19/18	IX	AA001602 – AA001641
Certificate of Service of Stipulation and Order for Interpleading of Fines Pending Final Decision (Case No. 17 OC 00269 1B)	03/28/18	IX	AA001642 – AA001643
Reply Brief in Support of Petition for Judicial Review (Case No. 17 OC 00269 1B)	04/11/18	IX	AA001644 – AA001662
Motion for Leave to Present Additional Evidence (Case No. 17 OC 00269 1B)	04/19/18	IX	AA001663 – AA001680
Opposition to Motion for Leave to Present Additional Evidence (Case No. 17 OC 00269 1B)	05/04/18	IX	AA001681 – AA001687
Reply in Support of Petitioner's Motion for Leave to Present Additional Evidence (Case No. 17 OC 00269 1B)	05/14/18	IX	AA001688 – AA001701
Request for Submission of Petitioner's Motion for Leave to Present Additional Evidence and Petitioner's Request for Hearing on its Motion for Leave to Present Additional Evidence (Case No. 17 OC 00269 1B)	05/14/18	IX	AA001702 – AA001704
Order to Set for Hearing (Case No. 17 OC 00269 1B)	05/16/18	IX	AA001705 – AA001706
Hearing Date Memo (Case No. 17 OC 00269 1B)	06/06/18	IX	AA001707
Transcript of Hearing Proceedings on August 6, 2018 (Case No. 17 OC 00269 1B)	08/06/18	IX	AA001708 – AA001731
Order Granting Petitioner's Motion for Leave to Present Additional Evidence (Case No. 17 OC 00269 1B)	09/06/18	IX	AA001732 – AA001735
Order regarding Exhibits KK, LL & MM (Cause No. 17.0050)	10/31/18	IX	AA001736 – AA001738
HWAN's Brief regarding Exhibits KK, LL, and MM (Cause No. 17.0050)	11/13/18	IX	AA001739 – AA001745
Division's Opposition to HWAN's Proposed Exhibits KK, LL, and MM (Cause No. 17.0050)	11/20/18	IX	AA001746 – AA001753
HWAN's Reply to Division's Opposition to its Brief regarding Exhibits KK, LL and MM (Cause No. 17.0050)	11/21/18	IX	AA001754 – AA001758

EXHIBIT DESCRIPTION	DATE	VOL.	PAGE NOS.
Order on Remand (Cause No. 17.0050)	01/22/19	IX	AA001759 – AA001767
Substitution of Attorney (Cause No. 17.0050)	01/24/19	IX	AA001768 – AA001770
Substitution of Attorney (Case No. 17 OC 00269 1B)	01/25/19	IX	AA001771 – AA001773
Notice of Filing Hearing Officer's Administrative Order (Case No. 17 OC 00269 1B)	01/28/19	X	AA001774 – AA001787
Notice of Amendment to Record on Appeal (Case No. 17 OC 00269 1B)	02/01/19	X	AA001788 – AA001801
Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (Case No. 17 OC 00269 1B)	02/22/19	X	AA001802 – AA001961
Notice of Non-Opposition to Petitioner's Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal and Notice of Submission of Proposed Order (Case No. 17 OC 00269 1B)	03/12/19	X	AA001962 – AA001968
Request for Submission of Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 (Case No. 17 OC 00269 1B)	03/12/19	X	AA001969 – AA001971
Order Granting Petitioner's Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (Case No. 17 OC 00269 1B)	03/13/19	X	AA001972 – AA001973
Stipulation and Order (1) Withdrawing Notice of Non-Opposition and Request for Submission of Motion for Leave to File Supplemental Memo of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal; and (2) Extending the Time for Opposition to and Reply in Support of Motion for Leave to File Supplemental Memo of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (Case No. 17 OC 00269 1B)	03/25/19	X	AA001974 – AA001976

EXHIBIT DESCRIPTION	DATE	VOL.	PAGE NOS.
Notice of Entry of Order for Stipulation regarding (1) Withdrawing Notice of Non-Opposition and Request for Submission of Motion for Leave to File Supplemental Memo of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal; and (2) Extending the Time for Opposition to and Reply in Support of Motion for Leave to File Supplemental Memo of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (Case No. 17 OC 00269 1B)	04/01/19	X	AA001977 – AA001982
Division’s Opposition to Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (erroneously filed in Case No. 19 OC 00015 1B)	04/03/19	XI	AA001983 – AA002003
Reply Memorandum of Points and Authorities in Support of Petitioner’s Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (Case No. 17 OC 00269 1B)	04/15/19	XI	AA002004 – AA002008
Request for Submission of Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (Case No. 17 OC 00269 1B)	05/06/19	XI	AA002009 – AA002011
Order Denying Request for Submission (Case No. 17 OC 00269 1B)	05/08/19	XI	AA002012 – AA002013
Notice of Entry of Order Denying Request for Submission (Case No. 17 OC 00269 1B)	05/21/19	XI	AA002014 – AA002018
Notice of Entry of Order Granting Petitioner’s Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (Case No. 17 OC 00269 1B)	05/21/19	XI	AA002019 – AA002023
Petitioner’s Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 (Case No. 17 OC 00269 1B)	05/28/19	XI	AA002024 – AA002138

EXHIBIT DESCRIPTION	DATE	VOL.	PAGE NOS.
Notice of Amendment to Record on Appeal (Case No. 17 OC 00269 1B)	05/28/19	XI	AA002139 – AA002169
Joint Motion for Clarification and/or Reconsideration of the May 8, 2019 Order Denying Request for Submission (Case No. 17 OC 00269 1B)	05/30/19	XI	AA002170 – AA002173
Request for Submission of Joint Motion for Clarification and/or Reconsideration of the May 8, 2019 Order Denying Request for Submission (Case No. 17 OC 00269 1B)	05/31/19	XI	AA002174 – AA002176
Order on Joint Motion for Clarification and/or Reconsideration of the May 8, 2019 Order Denying Request for Submission (Case No. 17 OC 00269 1B)	06/05/19	XI	AA002177 – AA002179
Notice of Entry of Order on Joint Motion for Clarification and/or Reconsideration of the May 8, 2019 Order Denying Request for Submission (Case No. 17 OC 00269 1B)	06/06/19	XI	AA002180 – AA002185
Order Granting Petitioner’s Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (Case No. 17 OC 00269 1B)	06/18/19	XI	AA002186 – AA002189
Notice of Entry of Order Granting Petitioner’s Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (Case No. 17 OC 00269 1B)	07/10/19	XI	AA002190 – AA002194
Respondents’ Response to Petitioner’s Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 (Case No. 17 OC 00269 1B)	08/08/19	XII	AA002195 – AA002209
Petitioner’s Reply in Support of its Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 (Case No. 17 OC 00269 1B)	08/15/19	XII	AA002210 – AA002285
Request for Hearing on Petition for Judicial Review Pursuant to NRS 233B.133(4) (Case No. 17 OC 00269 1B)	08/15/19	XII	AA002286 – AA002288

EXHIBIT DESCRIPTION	DATE	VOL.	PAGE NOS.
Notice to Set (Case No. 17 OC 00269 1B)	08/15/19	XII	AA002289 – AA002291
Hearing Date Memo (Case No. 17 OC 00269 1B)	08/28/19	XII	AA002292 – AA002294
Legislative History Statement Regarding NRS 690C.325(1) and NRS 690C.330 (Case No. 17 OC 00269 1B)	11/06/19	XII	AA002295 – AA002358
Respondent's Statement of Legislative History of NRS 690C.325 (Case No. 17 OC 00269 1B)	11/06/19	XII	AA002359 – AA002383
Transcript of Hearing Proceedings on November 7, 2019 (Case No. 17 OC 00269 1B)	11/07/19	XIII	AA002384 – AA002455
Motion for Leave of Court Pursuant to FJDCR 15(10) and DCR 13(7) for Limited Reconsideration of Findings Pertaining to HWAN's Petition for Judicial Review (Case No. 17 OC 00269 1B)	11/15/19	XIII	AA002456 – AA002494
Notice of Submission of Competing Proposed Order (Case No. 17 OC 00269 1B)	11/22/19	XIII	AA002495 – AA002516
Order Affirming in Part, and Modifying in Part, Findings of Fact, Conclusions of Law, Order of the Hearing Officer, and Final Order of the Commissioner in Cause No 17.0050 in the Matter of Home Warranty Administrator of Nevada, Inc. dba Choice Home Warranty (Case No. 17 OC 00269 1B)	11/25/19	XIII	AA002517 – AA002521
Notice of Entry of Order Affirming in Part, and Modifying in Part, Findings of Fact, Conclusions of Law, Order of the Hearing Officer, and Final Order of the Commissioner in Cause No 17.0050 in the Matter of Home Warranty Administrator of Nevada, Inc. dba Choice Home Warranty (Case No. 17 OC 00269 1B)	11/27/19	XIII	AA002522 – AA002530
Respondent's Opposition to Petitioner's Motion for Leave of Court for Limited Reconsideration of Court's Findings on HWAN's Petition for Judicial Review (Case No. 17 OC 00269 1B)	11/27/19	XIII	AA002531 – AA002541

EXHIBIT DESCRIPTION	DATE	VOL.	PAGE NOS.
Reply in Support of Motion for Leave of Court Pursuant to FJDCR 15(10) and DCR 13(7) for Limited Reconsideration of Findings Pertaining to HWAN's Petition for Judicial Review (Case No. 17 OC 00269 1B)	12/04/19	XIII	AA002542 – AA002570
Request for Submission of Motion for Leave of Court Pursuant to FJDCR 15(10) and DCR 13(7) for Limited Reconsideration of Findings Pertaining to HWAN's Petition for Judicial Review (Case No. 17 OC 00269 1B)	12/04/19	XIII	AA002571 – AA002573
Motion for Order Shortening Time for Briefing and Decision of Motion for Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	12/06/19	XIII	AA002574 – AA002582
Motion for Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	12/06/19	XIV	AA002583 – AA002639
Case Appeal Statement (Case No. 17 OC 00269 1B)	12/06/19	XIV	AA002640 – AA002645
Notice of Appeal (Case No. 17 OC 00269 1B)	12/06/19	XIV	AA002646 – AA002693
Opposition to Petitioner's Motion for Order Shortening Time for Briefing and Decision on Motion for Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	12/09/19	XIV	AA002694 – AA002698
Order Denying Petitioner's Motion for Leave of Court for Limited Reconsideration of Court's Findings on HWAN's Petition for Judicial Review (Case No. 17 OC 00269 1B)	12/09/19	XIV	AA002699 – AA002702
Request for Submission of Motion for Order Shortening Time for Briefing and Decision on Motion for Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	12/10/19	XIV	AA002703 – AA002705
Reply in Support of Motion for Order Shortening Time for Briefing and Decision of Motion for Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	12/10/19	XIV	AA002706 – AA002716

EXHIBIT DESCRIPTION	DATE	VOL.	PAGE NOS.
Notice of Entry of Order Denying Petitioner's Motion for Leave of Court for Limited Reconsideration of Court's Findings on HWAN's Petition for Judicial Review (Case No. 17 OC 00269 1B)	12/11/19	XIV	AA002717 – AA002723
Order Denying Petitioner's Motion for Order Shortening Time for Briefing and Decision on Motion for Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	12/12/19	XIV	AA002724 – AA002725
Notice of Entry of Order Denying Petitioner's Motion for Order Shortening Time for Briefing and Decision on Motion for Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	12/18/19	XIV	AA002726 – AA002731
Division's Opposition to Petitioner's Motion for Stay (Case No. 17 OC 00269 1B)	12/19/19	XIV	AA002732 – AA002741
Reply in Support of Motion for Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	12/26/19	XIV	AA002742 – AA002755
Request for Submission of Motion to Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	12/26/19	XIV	AA002756 – AA002758
Order Denying Petitioner's Motion for Stay Pending Appeal (Case No. 17 OC 00269 1B)	12/31/19	XIV	AA002759 – AA002764
Notice of Entry of Order Denying Petitioner's Motion for Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	01/07/20	XIV	AA002765 – AA002775

INDEX TO APPELLANT’S APPENDIX IN ALPHABETICAL ORDER

EXHIBIT DESCRIPTION	DATE	VOL.	PAGE NOS.
Administrative Record (Case No. 17 OC 00269 1B)	01/12/18	VIII	AA001466 – AA001470
Affidavit of Service of Petition for Judicial Review on State of Nevada, Department of Business and Industry, Division of Insurance – Attorney General (Case No. 17 OC 00269 1B)	01/02/18	VIII	AA001463 – AA001464
Affidavit of Service of Petition for Judicial Review on State of Nevada, Department of Business and Industry, Division of Insurance –Commissioner of Insurance (Case No. 17 OC 00269 1B)	01/02/18	VIII	AA001465
Affirmation (Initial Appearance) (Case No. 17 OC 00269 1B)	12/22/17	VIII	AA001410 – AA001411
Amended Complaint and Application for Order to Show Cause (Cause No. 17.0050)	09/05/17	I	AA000169 – AA000177
Application for Subpoena Duces Tecum to Home Warranty Administrator of Nevada, Inc. dba Choice Home Warranty (“HWAN”) (Cause No. 17.0050)	05/09/17	I	AA000011 – AA000014
Case Appeal Statement (Case No. 17 OC 00269 1B)	12/06/19	XIV	AA002640 – AA002645
Certificate of Service of Stipulation and Order for Interpleading of Fines Pending Final Decision (Case No. 17 OC 00269 1B)	03/28/18	IX	AA001642 – AA001643
Civil Cover Sheet (Case No. 17 OC 00269 1B)	12/22/17	VIII	AA001459
Complaint and Application for Order to Show Cause (Cause No. 17.0050)	05/09/17	I	AA000001 – AA000010
Division’s Closing Statement (Cause No. 17.0050)	11/17/17	VII	AA001341 – AA001358
Division’s Opposition to HWAN’s Proposed Exhibits KK, LL, and MM (Cause No. 17.0050)	11/20/18	IX	AA001746 – AA001753
Division’s Opposition to Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (erroneously filed in Case No. 19 OC 00015 1B)	04/03/19	XI	AA001983 – AA002003

EXHIBIT DESCRIPTION	DATE	VOL.	PAGE NOS.
Division's Opposition to Motion for Stay of Final Administrative Decision Pursuant to NRS 233B.140 (Case No. 17 OC 00269 1B)	01/30/18	VIII	AA001490 – AA001503
Division's Opposition to Petitioner's Motion for Stay (Case No. 17 OC 00269 1B)	12/19/19	XIV	AA002732 – AA002741
Division's Opposition to Respondent's Motion to Strike Portions of the Division's Post-hearing Brief (Cause No. 17.0050)	11/14/17	VII	AA001333 – AA001338
Division's Post-hearing Brief Pursuant to Order (Cause No. 17.0050)	10/30/17	VII	AA001299 – AA001307
Division's Pre-hearing Statement (Cause No. 17.0050)	09/06/17	I	AA000178 – AA000188
Findings of Fact, Conclusions of Law, Order of Hearing Officer, and Final Order of the Commissioner (Cause No. 17.0050)	12/18/17	VIII	AA001379 – AA001409
Hearing Date Memo (Case No. 17 OC 00269 1B)	06/06/18	IX	AA001707
Hearing Date Memo (Case No. 17 OC 00269 1B)	08/28/19	XII	AA002292 – AA002294
Hearing Exhibit List by HWAN (Cause No. 17.0050) (<i>Exhibits D, F-H, J-K, M-N, W-X, and HH excluded from appendix as irrelevant to this appeal</i>)	09/06/17	III	AA000276 – AA000499
HWAN's Brief regarding Exhibits KK, LL, and MM (Cause No. 17.0050)	11/13/18	IX	AA001739 – AA001745
HWAN's Closing Argument (Cause No. 17.0050)	11/22/17	VIII	AA001359 – AA001378
HWAN's Notice of Filing Supplemental Hearing Exhibit SS (Cause No. 17.0050)	09/21/17	VII	AA001271 – AA001295
HWAN's Notice of Intent to File Supplemental Hearing Exhibits and Amended Hearing Exhibit List (Cause No. 17.0050)	09/11/17	IV	AA000522 – AA000582
HWAN's Post-hearing Brief on Hearing Officer's Inquiry (Cause No. 17.0050)	10/30/17	VII	AA001308 – AA001325
HWAN's Pre-hearing Statement (Cause No. 17.0050)	09/08/17	IV	AA000500 – AA000513

EXHIBIT DESCRIPTION	DATE	VOL.	PAGE NOS.
HWAN's Reply to Division's Opposition to its Brief regarding Exhibits KK, LL and MM (Cause No. 17.0050)	11/21/18	IX	AA001754 – AA001758
Joint Application to Conduct Deposition to Preserve Hearing Testimony (Cause No. 17.0050)	08/21/17	I	AA000165 – AA000168
Joint Motion for Clarification and/or Reconsideration of the May 8, 2019 Order Denying Request for Submission (Case No. 17 OC 00269 1B)	05/30/19	XI	AA002170 – AA002173
Joint Request for Pre-hearing Conference (Cause No. 17.0050)	08/16/17	I	AA000149 – AA000152
Joint Request to Continue Hearing (Cause No. 17.0050)	06/20/17	I	AA000042 – AA000044
Legislative History Statement Regarding NRS 690C.325(1) and NRS 690C.330 (Case No. 17 OC 00269 1B)	11/06/19	XII	AA002295 – AA002358
Limited Opposition to Motion for Pre-hearing Deposition Subpoenas or, in the alternative, Application for Hearing Subpoenas and Application for Subpoena Duces Tecum (Cause No. 17.0050)	07/21/17	I	AA000074 – AA000076
List of Hearing Witnesses by HWAN (Cause No. 17.0050)	09/08/17	IV	AA000514 – AA000517
Motion for Leave of Court Pursuant to FJDCR 15(10) and DCR 13(7) for Limited Reconsideration of Findings Pertaining to HWAN's Petition for Judicial Review (Case No. 17 OC 00269 1B)	11/15/19	XIII	AA002456 – AA002494
Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (Case No. 17 OC 00269 1B)	02/22/19	X	AA001802 – AA001961
Motion for Leave to Present Additional Evidence (Case No. 17 OC 00269 1B)	04/19/18	IX	AA001663 – AA001680
Motion for Order Shortening Time for Briefing and Decision of Motion for Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	12/06/19	XIII	AA002574 – AA002582

EXHIBIT DESCRIPTION	DATE	VOL.	PAGE NOS.
Motion for Pre-hearing Deposition Subpoenas or, in the alternative, Application for Hearing Subpoenas and Application for Subpoena Duces Tecum (Cause No. 17.0050)	07/14/17	I	AA000054 – AA000064
Motion for Stay of Final Administrative Decision Pursuant to NRS 233B.140 (Case No. 17 OC 00269 1B)	01/16/18	VIII	AA001471 – AA001486
Motion for Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	12/06/19	XIV	AA002583 – AA002639
Motion to Strike Portions of the Division's Post-hearing Brief (Cause No. 17.0050)	11/13/17	VII	AA001326 – AA001332
Notice of Amendment to Record on Appeal (Case No. 17 OC 00269 1B)	02/01/19	X	AA001788 – AA001801
Notice of Amendment to Record on Appeal (Case No. 17 OC 00269 1B)	05/28/19	XI	AA002139 – AA002169
Notice of Appeal (Case No. 17 OC 00269 1B)	12/06/19	XIV	AA002646 – AA002693
Notice of Entry of Order Affirming in Part, and Modifying in Part, Findings of Fact, Conclusions of Law, Order of the Hearing Officer, and Final Order of the Commissioner in Cause No 17.0050 in the Matter of Home Warranty Administrator of Nevada, Inc. dba Choice Home Warranty (Case No. 17 OC 00269 1B)	11/27/19	XIII	AA002522 – AA002530
Notice of Entry of Order Denying Motion for Stay (Case No. 17 OC 00269 1B)	02/16/18	VIII	AA001552 – AA001559
Notice of Entry of Order Denying Petitioner's Motion for Leave of Court for Limited Reconsideration of Court's Findings on HWAN's Petition for Judicial Review (Case No. 17 OC 00269 1B)	12/11/19	XIV	AA002717 – AA002723
Notice of Entry of Order Denying Petitioner's Motion for Order Shortening Time for Briefing and Decision on Motion for Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	12/18/19	XIV	AA002726 – AA002731

EXHIBIT DESCRIPTION	DATE	VOL.	PAGE NOS.
Notice of Entry of Order Denying Petitioner's Motion for Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	01/07/20	XIV	AA002765 – AA002775
Notice of Entry of Order Denying Request for Submission (Case No. 17 OC 00269 1B)	05/21/19	XI	AA002014 – AA002018
Notice of Entry of Order for Stipulation regarding (1) Withdrawing Notice of Non-Opposition and Request for Submission of Motion for Leave to File Supplemental Memo of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal; and (2) Extending the Time for Opposition to and Reply in Support of Motion for Leave to File Supplemental Memo of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (Case No. 17 OC 00269 1B)	04/01/19	X	AA001977 – AA001982
Notice of Entry of Order Granting Petitioner's Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (Case No. 17 OC 00269 1B)	05/21/19	XI	AA002019 – AA002023
Notice of Entry of Order Granting Petitioner's Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (Case No. 17 OC 00269 1B)	07/10/19	XI	AA002190 – AA002194
Notice of Entry of Order on Joint Motion for Clarification and/or Reconsideration of the May 8, 2019 Order Denying Request for Submission (Case No. 17 OC 00269 1B)	06/06/19	XI	AA002180 – AA002185
Notice of Filing Hearing Officer's Administrative Order (Case No. 17 OC 00269 1B)	01/28/19	X	AA001774 – AA001787
Notice of No Opposition to Request to Continue Hearing (Cause No. 17.0050)	07/24/17	I	AA000077 – AA000078

EXHIBIT DESCRIPTION	DATE	VOL.	PAGE NOS.
Notice of Non-Opposition to Petitioner's Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal and Notice of Submission of Proposed Order (Case No. 17 OC 00269 1B)	03/12/19	X	AA001962 – AA001968
Notice of Non-Opposition to Respondent's Request for Extension of Time to Comply with Subpoena Duces Tecum (Cause No. 17.0050)	06/01/17	I	AA000030 – AA000031
Notice of Non-Opposition to Respondent's Second Request for Extension of Time to Comply with Subpoena Duces Tecum (Cause No. 17.0050)	06/16/17	I	AA000040 – AA000041
Notice of Submission of Competing Proposed Order (Case No. 17 OC 00269 1B)	11/22/19	XIII	AA002495 – AA002516
Notice to Set (Case No. 17 OC 00269 1B)	08/15/19	XII	AA002289 – AA002291
Opposition to Motion for Leave to Present Additional Evidence (Case No. 17 OC 00269 1B)	05/04/18	IX	AA001681 – AA001687
Opposition to Petitioner's Motion for Order Shortening Time for Briefing and Decision on Motion for Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	12/09/19	XIV	AA002694 – AA002698
Order Affirming in Part, and Modifying in Part, Findings of Fact, Conclusions of Law, Order of the Hearing Officer, and Final Order of the Commissioner in Cause No 17.0050 in the Matter of Home Warranty Administrator of Nevada, Inc. dba Choice Home Warranty (Case No. 17 OC 00269 1B)	11/25/19	XIII	AA002517 – AA002521
Order Denying Petitioner's Motion for Leave of Court for Limited Reconsideration of Court's Findings on HWAN's Petition for Judicial Review (Case No. 17 OC 00269 1B)	12/09/19	XIV	AA002699 – AA002702
Order Denying Petitioner's Motion for Order Shortening Time for Briefing and Decision on Motion for Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	12/12/19	XIV	AA002724 – AA002725

EXHIBIT DESCRIPTION	DATE	VOL.	PAGE NOS.
Order Denying Petitioner's Motion for Stay Pending Appeal (Case No. 17 OC 00269 1B)	12/31/19	XIV	AA002759 – AA002764
Order Denying Request for Submission (Case No. 17 OC 00269 1B)	05/08/19	XI	AA002012 – AA002013
Order for Briefing Schedule (Case No. 17 OC 00269 1B)	12/26/17	VIII	AA001460 – AA001462
Order Granting Petitioner's Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (Case No. 17 OC 00269 1B)	03/13/19	X	AA001972 – AA001973
Order Granting Petitioner's Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (Case No. 17 OC 00269 1B)	06/18/19	XI	AA002186 – AA002189
Order Granting Petitioner's Motion for Leave to Present Additional Evidence (Case No. 17 OC 00269 1B)	09/06/18	IX	AA001732 – AA001735
Order on Joint Application to Conduct Deposition (Cause No. 17.0050)	08/17/17	I	AA000159 – AA000164
Order on Joint Motion for Clarification and/or Reconsideration of the May 8, 2019 Order Denying Request for Submission (Case No. 17 OC 00269 1B)	06/05/19	XI	AA002177 – AA002179
Order on Motion Requesting Extension of Time and Order on Joint Request for Continuance (Cause No. 17.0050)	06/22/17	I	AA000045 – AA000047
Order on Motions (Cause No. 17.0050)	07/27/17	I	AA000084 – AA000091
Order on Petition to Enlarge Time to Respond to Subpoena Duces Tecum (Cause No. 17.0050)	06/05/17	I	AA000032 – AA000035
Order on Remand (Cause No. 17.0050)	01/22/19	IX	AA001759 – AA001767
Order regarding Exhibits KK, LL & MM (Cause No. 17.0050)	10/31/18	IX	AA001736 – AA001738
Order regarding Motion to Strike and Written Closing Arguments (Cause No. 17.0050)	11/14/17	VII	AA001339 – AA001340

EXHIBIT DESCRIPTION	DATE	VOL.	PAGE NOS.
Order regarding Post-hearing Briefs and Written Closing Arguments (Cause No. 17.0050)	10/13/17	VII	AA001296 – AA001298
Order Setting Pre-hearing Conference (Cause No. 17.0050)	08/17/17	I	AA000153 – AA000158
Order to Set for Hearing (Case No. 17 OC 00269 1B)	05/16/18	IX	AA001705 – AA001706
Order to Show Cause (Cause No. 17.0050)	05/11/17	I	AA000015 – AA000018
Petition for Judicial Review (Case No. 17 OC 00269 1B)	12/22/17	VIII	AA001412 – AA001458
Petition to Enlarge Time to Respond to Subpoena Duces Tecum, with cover letter (Cause No. 17.0050)	06/01/17	I	AA000023 – AA000029
Petitioner's Opening Brief in Support of Petition for Judicial Review (Case No. 17 OC 00269 1B)	02/16/18	IX	AA001560 – AA001599
Petitioner's Reply in Support of its Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 (Case No. 17 OC 00269 1B)	08/15/19	XII	AA002210 – AA002285
Petitioner's Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 (Case No. 17 OC 00269 1B)	05/28/19	XI	AA002024 – AA002138
Pre-hearing Order (Cause No. 17.0050)	06/22/17	I	AA000048 – AA000053
Proposed Hearing Exhibits and Witness List by Division (Cause No. 17.0050) (<i>Exhibits 1, 3, 6, 8-11, 13-20, 24-29, and 38-40 excluded from appendix as irrelevant to this appeal</i>)	09/06/17	II	AA000189 – AA000275
Reply Brief in Support of Petition for Judicial Review (Case No. 17 OC 00269 1B)	04/11/18	IX	AA001644 – AA001662
Reply in Support of Motion for Leave of Court Pursuant to FJDCR 15(10) and DCR 13(7) for Limited Reconsideration of Findings Pertaining to HWAN's Petition for Judicial Review (Case No. 17 OC 00269 1B)	12/04/19	XIII	AA002542 – AA002570

EXHIBIT DESCRIPTION	DATE	VOL.	PAGE NOS.
Reply in Support of Motion for Order Shortening Time for Briefing and Decision of Motion for Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	12/10/19	XIV	AA002706 – AA002716
Reply in Support of Motion for Stay of Final Administrative Decision Pursuant to NRS 233B.140 (Case No. 17 OC 00269 1B)	02/08/18	VIII	AA001538 – AA001548
Reply in Support of Motion for Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	12/26/19	XIV	AA002742 – AA002755
Reply in Support of Petitioner’s Motion for Leave to Present Additional Evidence (Case No. 17 OC 00269 1B)	05/14/18	IX	AA001688 – AA001701
Reply Memorandum of Points and Authorities in Support of Petitioner’s Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (Case No. 17 OC 00269 1B)	04/15/19	XI	AA002004 – AA002008
Request for Hearing on Petition for Judicial Review Pursuant to NRS 233B.133(4) (Case No. 17 OC 00269 1B)	08/15/19	XII	AA002286 – AA002288
Request for Submission of Joint Motion for Clarification and/or Reconsideration of the May 8, 2019 Order Denying Request for Submission (Case No. 17 OC 00269 1B)	05/31/19	XI	AA002174 – AA002176
Request for Submission of Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (Case No. 17 OC 00269 1B)	05/06/19	XI	AA002009 – AA002011
Request for Submission of Motion for Leave of Court Pursuant to FJDCR 15(10) and DCR 13(7) for Limited Reconsideration of Findings Pertaining to HWAN’s Petition for Judicial Review (Case No. 17 OC 00269 1B)	12/04/19	XIII	AA002571 – AA002573
Request for Submission of Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 (Case No. 17 OC 00269 1B)	03/12/19	X	AA001969 – AA001971

EXHIBIT DESCRIPTION	DATE	VOL.	PAGE NOS.
Request for Submission of Motion for Order Shortening Time for Briefing and Decision on Motion for Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	12/10/19	XIV	AA002703 – AA002705
Request for Submission of Motion for Stay of Final Administrative Decision Pursuant to NRS 233B.140 (Case No. 17 OC 00269 1B)	02/08/18	VIII	AA001549 – AA001551
Request for Submission of Motion to Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	12/26/19	XIV	AA002756 – AA002758
Request for Submission of Petitioner’s Motion for Leave to Present Additional Evidence and Petitioner’s Request for Hearing on its Motion for Leave to Present Additional Evidence (Case No. 17 OC 00269 1B)	05/14/18	IX	AA001702 – AA001704
Request to Continue Hearing (Cause No. 17.0050)	07/20/17	I	AA000072 – AA000073
Respondent’s Answering Brief (Case No. 17 OC 00269 1B)	03/19/18	IX	AA001602 – AA001641
Respondent’s Opposition to Petitioner’s Motion for Leave of Court for Limited Reconsideration of Court’s Findings on HWAN’s Petition for Judicial Review (Case No. 17 OC 00269 1B)	11/27/19	XIII	AA002531 – AA002541
Respondent’s Statement of Legislative History of NRS 690C.325 (Case No. 17 OC 00269 1B)	11/06/19	XII	AA002359 – AA002383
Respondents’ Response to Petitioner’s Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 (Case No. 17 OC 00269 1B)	08/08/19	XII	AA002195 – AA002209
Second Application for Subpoena Duces Tecum (Cause No. 17.0050)	07/19/17	I	AA000065 – AA000071
Second Request for Extension of Time to Comply with Subpoena Duces Tecum (Cause No. 17.0050)	06/14/17	I	AA000036 – AA000039
Statement of Intent to Participate (Case No. 17 OC 00269 1B)	01/19/18	VIII	AA001487 – AA001489

EXHIBIT DESCRIPTION	DATE	VOL.	PAGE NOS.
Stipulation and Order (1) Withdrawing Notice of Non-Opposition and Request for Submission of Motion for Leave to File Supplemental Memo of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal; and (2) Extending the Time for Opposition to and Reply in Support of Motion for Leave to File Supplemental Memo of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (Case No. 17 OC 00269 1B)	03/25/19	X	AA001974 – AA001976
Stipulation and Order for Interpleading of Fines Pending Final Decision (Case No. 17 OC 00269 1B)	03/15/18	IX	AA001600 – AA001601
Subpoena Duces Tecum to HWAN (Cause No. 17.0050)	05/11/17	I	AA000019 – AA000022
Subpoena Duces Tecum to HWAN (Cause No. 17.0050)	07/26/17	I	AA000079 – AA000083
Subpoena Duces Tecum to the Commissioner of the State of Nevada Division of Insurance (the “Division”) (Cause No. 17.0050)	08/09/17	I	AA000104 – AA000108
Subpoena for Appearance at Hearing to Dolores Bennett (Cause No. 17.0050)	08/04/17	I	AA000092 – AA000095
Subpoena for Appearance at Hearing to Sanja Samardzija (Cause No. 17.0050)	08/04/17	I	AA000096 – AA000099
Subpoena for Appearance at Hearing to Vincent Capitini (Cause No. 17.0050)	08/04/17	I	AA000100 – AA000103
Subpoena for Appearance at Hearing to Chloe Stewart (Cause No. 17.0050)	08/09/17	I	AA000109 – AA000112
Subpoena for Appearance at Hearing to Derrick Dennis (Cause No. 17.0050)	08/09/17	I	AA000113 – AA000116
Subpoena for Appearance at Hearing to Linda Stratton (Cause No. 17.0050)	08/09/17	I	AA000121 – AA000124
Subpoena for Appearance at Hearing to Vicki Folster (Cause No. 17.0050)	08/09/17	I	AA000133 – AA000136
Subpoena for Appearance at Hearing to Kim Kuhlman (Cause No. 17.0050)	08/09/17	I	AA000137 – AA000140
Subpoena for Appearance at Hearing to Mary Strong (Cause No. 17.0050)	08/09/17	I	AA000145 – AA000148

EXHIBIT DESCRIPTION	DATE	VOL.	PAGE NOS.
Subpoena for Appearance at Hearing to Geoffrey Hunt (Cause No. 17.0050)	08/09/17	I	AA000117 – AA000120
Subpoena for Appearance at Hearing to Martin Reis (Cause No. 17.0050)	08/09/17	I	AA000141 – AA000144
Subpoena for Appearance at Hearing to the State of Nevada, Division of Insurance Person Most Knowledgeable as to the Creation of the Division's Annual Renewal Application Forms (Cause No. 17.0050)	08/09/17	I	AA000125 – AA000128
Subpoena for Appearance at Hearing to the State of Nevada, Division of Insurance Person Most Knowledgeable as to the Date of the Division's Knowledge of the Violations Set Forth in the Division's Complaint on File in this Cause (Cause No. 17.0050)	08/09/17	I	AA000129 – AA000132
Substitution of Attorney (Case No. 17 OC 00269 1B)	01/25/19	IX	AA001771 – AA001773
Substitution of Attorney (Cause No. 17.0050)	01/24/19	IX	AA001768 – AA001770
Supplement to Division's Opposition to Motion for Stay of Final Administrative Decision Pursuant to NRS 233B.140 (Case No. 17 OC 00269 1B)	01/31/18	VIII	AA001504 – AA001537
Transcript of Hearing Proceedings on September 12, 2017 (Cause No. 17.0050)	09/12/17	IV-V	AA000583 – AA000853
Transcript of Hearing Proceedings on September 13, 2017 (Cause No. 17.0050)	09/13/17	V-VI	AA000854 – AA001150
Transcript of Hearing Proceedings on September 14, 2017 (Cause No. 17.0050)	09/14/17	VII	AA001151 – AA001270
Transcript of Hearing Proceedings on August 6, 2018 (Case No. 17 OC 00269 1B)	08/06/18	IX	AA001708 – AA001731
Transcript of Hearing Proceedings on November 7, 2019 (Case No. 17 OC 00269 1B)	11/07/19	XIII	AA002384 – AA002455
Updated Hearing Exhibits and Updated Witness List by Division (Cause No. 17.0050) <i>(Exhibits 41-42 excluded from appendix as irrelevant to this appeal)</i>	09/08/17	IV	AA000518 – AA000521



STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE

IN THE MATTER OF) CAUSE NO. 17.0050
)
HOME WARRANTY ADMINISTRATOR) COMPLAINT AND APPLICATION
OF NEVADA, INC. dba CHOICE HOME) FOR ORDER TO SHOW CAUSE
WARRANTY)
)
Respondent.)

The State of Nevada, Department of Business and Industry, Division of Insurance
("Division"), sends greetings to:

**HOME WARRANTY ADMINISTRATOR OF NEVADA, INC.
dba CHOICE HOME WARRANTY**

YOU ARE HEREBY NOTIFIED of the conduct, conditions, or acts which are deemed
by the Commissioner of Insurance ("Commissioner") to be in violation of the following
provision of Nevada Revised Statutes ("NRS"): NRS 686A.070—falsifying material fact in any
book, report, or statement; NRS 690C.325(1)(b)—conducting business in an unsuitable manner;
and NRS 686A.310—engaging in unfair practices in settling claims.¹ The Commissioner may
refuse to renew or may suspend a provider's certificate of registration pursuant to
NRS 690C.325.

¹ **NRS 690C.120 Applicability of other provisions.**

1. Except as otherwise provided in this chapter, the marketing, issuance, sale, offering
for sale, making, proposing to make and administration of service contracts are not subject to
the provisions of title 57 of NRS, except, when applicable, the provisions of:

- (a) NRS 679B.020 to 679B.152, inclusive;
- (b) NRS 679B.159 to 679B.300, inclusive;
- (c) NRS 679B.310 to 679B.370, inclusive;
- (d) NRS 679B.600 to 679B.690, inclusive;
- (e) NRS 685B.090 to 685B.190, inclusive;
- (f) NRS 686A.010 to 686A.095, inclusive;
- (g) NRS 686A.160 to 686A.187, inclusive; and
- (h) NRS 686A.260, 686A.270, 686A.280, 686A.300 and 686A.310.

1 **I. COMPLAINT**

2 **A. Jurisdiction**

- 3 1. The Commissioner has exclusive jurisdiction to regulate the business of service
4 contracts in the state of Nevada pursuant to chapter 690C of the NRS. The
5 actions described in this complaint are actions that involve the regulation of the
6 business of service contracts in the state of Nevada.

7 **B. Respondent**

- 8 1. Respondent, Home Warranty Administrator of Nevada, Inc. dba Choice Home
9 Warranty ("CHW"), had a certificate of registration (ORG ID# 113194) as a
10 service contract provider in Nevada since November 18, 2010. CHW submitted a
11 renewal application of registration on November 8, 2016.

12 **C. Allegations of Fact**

- 13 1. On July 23, 2010, Insurance Commissioner of California, Steve Poizner, issued a
14 cease and desist order to CHW for "acting in a capacity for which a license,
15 registration, or certificate of authority from the Commissioner was required but
16 not possessed." CHW had, through the internet, through toll-free telephone lines,
17 and through other means and devices, solicited the purchase of home protection
18 contracts to persons residing in California. CHW did not possess the proper
19 licensure, registration, or certificate required to conduct such business in
20 California. An entry of default judgment was entered in this case on October 12,
21 2010, finding CHW "has continued to act in a capacity for which a home
22 protection company license or a certificate of authority is required but is not
23 possessed" thereby issuing CHW a fine of \$3,530,000.00.
- 24 2. President of CHW, Victor Mandalawi, submitted a 2011-2012 Service Contractor
25 Provider Renewal Application to the Nevada Division on Insurance on October
26 31, 2011. Mr. Mandalawi falsely answered "no" to question 3(d), on page 2 of
27 the application, which reads, "Since the last application, has applicant or any of
28

1 the officers listed in Section 1 ever: (d) been fined by any state governmental
2 agency or authority in any matter regarding service contracts?" The "no" answer
3 provided is false because the Insurance Commissioner of California fined CHW
4 \$3,530,000.00 on October 12, 2010, during the time between CHW's initial (last)
5 application and CHW's October 31, 2011, renewal application.

6 3. On July 15, 2011, the Insurance Commissioner of the state of Oklahoma issued an
7 Order in response to an Emergency Cease and Desist Order issued by the
8 Oklahoma Insurance Department on July 29, 2010. The Cease and Desist Order
9 was issued "pursuant to a finding that CHW was unauthorized to engage in the
10 business of offering, providing, servicing, and entering service warranty
11 agreements, service warranty contracts, indemnity agreements or indemnity
12 contracts, and in violation of Oklahoma insurance code." Mr. Mandalawi
13 stipulated on behalf of CHW that CHW "does not hold any license, certificate of
14 authority, or other authorization from the Oklahoma Insurance Department to
15 engage in the business of offering, providing, servicing, and entering service
16 warranty agreements." On December 29, 2011, the Oklahoma Insurance
17 Commissioner fined CHW \$25,000.00.

18 4. President Victor Mandalawi of CHW submitted a 2012-2013 Service Contractor
19 Provider Renewal Application to the Nevada Division on Insurance on October
20 19, 2012. Mr. Mandalawi falsely answered "no" to question 3(d), on page 2 of
21 the application, which reads, "Since the last application, has applicant or any of
22 the officers listed in Section 1 ever: (d) been fined by any state governmental
23 agency or authority in any matter regarding service contracts?" The "no" answer
24 provided was false because the Insurance Commissioner of the state of Oklahoma
25 fined CHW \$25,000.00 on December 29, 2011, during the time between CHW's
26 last application and CHW's renewal application.

27 5. On February 7, 2014, the Insurance Commissioner in the State of Oklahoma
28

1 issued an Order stating:

2 "CHW had willfully violated a Consent Order dated January 2,
3 2012, by failing to pay all valid claims and refunds that arise
4 pursuant to service warranty agreements in Oklahoma. IT IS
5 FURTHER ORDERED that Respondent (CHW) has
6 knowingly and willfully violated provisions of the Service
7 Warranty Act; failed to update its address with the Oklahoma
8 consumer and the Insurance Commissioner; and failed to
9 respond to the Oklahoma Insurance Commissioner and, as a
10 result, Respondent is fined in the amount of Ten Thousand
11 Dollars."

12 This Order was issued in response to a consumer complaint submitted to the
13 Insurance Commissioner in the state of Oklahoma alleging that CHW denied a
14 claim from the consumer without ever investigating circumstances surrounding
15 the claim and ignoring repeated attempts from the consumer to resolve the issue
16 in good faith. The February 7, 2014, Order concluded that CHW violated
17 Oklahoma's deceptive trade acts

18 "by failing to acknowledge and act promptly upon
19 communication with respect to the claim; by denying
20 Johnson's (aggrieved consumer) claim without conducting
21 reasonable investigation based upon available information;
22 failing to promptly provide a reasonable explanation to
23 Johnson in relation to the facts or applicable law for the denial
24 of the claim."

- 25 6. President Victor Mandalawi of CHW, submitted a 2014-2015 Service Contractor
26 Provider Renewal Application to the Nevada Division on Insurance on November
27 12, 2014. Mr. Mandalawi falsely answered "no" to question 4(d), on page 2 of
28 the application, which reads, "Since the last application, has applicant or any of
the officers listed in Section 1 ever: (d) been fined by any state governmental
agency or authority in any matter regarding service contracts?" The "no" answer
provided was false because the Insurance Commissioner of the state of Oklahoma
fined CHW \$10,000.00 on February 7, 2014, during the time between CHW's last

1 application and CHW's renewal application.

- 2 7. CHW and its officers, directors, employees, et al., agreed to a Final Consent
3 Judgment on May 21, 2015, to resolve a complaint brought by the New Jersey
4 Attorney General's Office and the New Jersey Division of Consumer Affairs
5 alleging violation of New Jersey's Consumer Fraud Act and New Jersey
6 regulations governing general advertising. The Final Consent Judgment was filed
7 by the Superior Court of New Jersey and signed by the Honorable Travis L.
8 Francis on June 9, 2015, and required various injunctive relief, revised business
9 practices; the reporting of additional consumer complaints; the mandatory
10 retaining of a compliance monitor; and a settlement payment of \$779,913.93.
- 11 8. President Victor Mandalawi of CHW submitted a 2015-2016 Service Contractor
12 Provider Renewal Application to the Nevada Division on Insurance on November
13 17, 2015. Mr. Mandalawi falsely answered "no" to question 4(d), on page 2 of
14 the application, which reads, "Since the last application, has applicant or any of
15 the officers listed in Section 1 ever: (d) been fined by any state governmental
16 agency or authority in any matter regarding service contracts?" The "no" answer
17 provided was false because the New Jersey Attorney General's Office and the
18 New Jersey Division of Consumer Affairs settled the matter with CHW for
19 \$779,913.93 during the time between CHW's last application and CHW's renewal
20 application.
- 21 9. During the period CHW was registered as a Service Contractor Provider in
22 Nevada, the Nevada Division of Insurance has received more than 80 consumer
23 complaints. The consumer's descriptions detailing the complaints depict
24 incidents where CHW does not communicate with a policyholder after the
25 policyholder has filed a claim, incidents where policyholder claims are denied
26 without communication or investigation, and complaints from service providers
27 who have not been paid from CHW after performing services for them.
- 28

1 10. CHW submitted their 2016-2017 Service Contractor Provider renewal application
2 on November 8, 2016. Subsequently, the Nevada Division of Insurance requested
3 information from CHW inquiring as to how many open contracts and claims
4 CHW had in Nevada. CHW has not responded to the Division's request at the
5 time of this filing.

6 **D. Violations Alleged**

- 7 1. NRS 686A.070 provides that it is unlawful to knowingly make or cause to be
8 made any false entry of a material fact in any book, report, or statement of any
9 person or knowingly omit to make a true entry of any material fact pertaining to
10 such person's business in any book, report, or statement of such person. Any
11 person who violates, or with like intent, aids or abets any violation of this section
12 is guilty of a gross misdemeanor.
- 13 2. CHW by and through its president, Victor Mandalawi, engaged in acts that
14 constitute the unlawful making of false entry of material fact in each of CHW's
15 renewal applications in the years 2011, 2012, 2014, and 2015.
- 16 3. CHW's complaints regarding failures to communicate with policyholders and
17 inappropriately denying claims violates NRS 686A.310(1)(b)—"failing to
18 acknowledge and act reasonably promptly upon communications with respect to
19 claims arising under insurance policies."
- 20 4. The business practices of CHW, as documented by Nevada complaints; the Better
21 Business Bureau, news and media outlets; and the findings of fact of the various
22 Courts' actions described above, constitute a pattern of behavior that CHW is
23 operating in an unsuitable manner. CHW's practices cause injury to the general
24 public with such frequency as to indicate a general business practice. As such,
25 CHW is in violation of NRS 679B.125(2)—conducting business in an unsuitable
26 manner.
- 27 5. Pursuant to the findings of fact of the various Courts' Orders described above,
28

1 CHW also is in violation of NRS 686A.170—engaging in unfair and deceptive
2 trade practices.

- 3 6. The Commissioner may refuse to renew or may suspend a provider's certificate of
4 registration pursuant to NRS 690C.325.

5 **E. Action Required**

6 Based upon the foregoing and pursuant to NRS 690C.325:

- 7 1. Refuse to renew and revoke, subject to the rights afforded under the law, the
8 certificate of registration for HOME WARRANTY ADMINISTRATOR OF
9 NEVADA, INC. dba CHOICE HOME WARRANTY.
- 10 2. Pursuant to NRS 686A.183(1)(a), fine HOME WARRANTY
11 ADMINISTRATOR OF NEVADA, INC. dba CHOICE HOME WARRANTY
12 \$5,000 for each act or violation of NRS 686A.010 to 686A.310.
- 13 3. Pursuant to NRS 690C.325, discipline and/or refuse to renew and revoke HOME
14 WARRANTY ADMINISTRATOR OF NEVADA, INC. dba CHOICE HOME
15 WARRANTY for violating NRS 690C.320(2) and failing to make available to
16 the Commissioner for inspection any accounts, books, and records concerning
17 any service contract issued, sold, or offered for sale by the provider.
- 18 4. Issue a cease and desist order pursuant to NRS 686A.170.
- 19 5. Withhold the security deposit, as required by NRS 690C.170(2), to service
20 existing contractual obligations of HOME WARRANTY ADMINISTRATOR
21 OF NEVADA, INC. dba CHOICE HOME WARRANTY.
- 22 6. Order any other action deemed appropriate by the Hearing Officer.

23 **II. APPLICATION FOR ORDER TO SHOW CAUSE**

24 Under the authority of Title 57 of the NRS, and other applicable laws and regulations of
25 the State of Nevada, and other general powers and duties of the Commissioner, the Division
26 hereby respectfully requests that an Order to Show Cause be issued requiring Respondent
27 HOME WARRANTY ADMINISTRATOR OF NEVADA, INC. dba CHOICE HOME
28

1 WARRANTY to appear and show cause, if any, why the non-renewal of its certificate of
2 registration, and the imposition of fines and a cease and desist, should not be ordered.


3 At the hearing, the Division may offer written and oral evidence. Respondent also would
4 have the opportunity to offer written and oral evidence.

5 Pursuant to Nevada Administrative Code (NAC) 679B.311, Respondent may choose to
6 be represented by an attorney in this matter. If Respondent wishes to be represented by an
7 attorney, Respondent shall notify the Division in writing of the name, address, and telephone
8 number of its counsel not later than five (5) days before the hearing.

9 WHEREFORE, unless Respondent appears at the time and place of the hearing and
10 shows good and just cause why appropriate administrative action should not be taken, the
11 Commissioner may issue an Order against Respondent for the relief requested by the Division.

12 DATED this 9th day of May 2017.

13 ADAM PAUL LAXALT
14 Attorney General

15
16 By: 
17 RICHARD PAILI YIEN
18 Deputy Attorney General
19 100 N. Carson Street
20 Carson City, Nevada 89701
21 (775) 684-1129
22 Attorney for the Division of Insurance
23
24
25
26
27
28

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I have this date served the following:

- 3 • **COMPLAINT AND APPLICATION FOR ORDER TO SHOW CAUSE**
4 • **ORDER TO SHOW CAUSE**
5 • **ORDER APPOINTING HEARING OFFICER**
6 • **APPLICATION FOR SUBPOENA DUCES TECUM**
7 • **SUBPOENA DUCES TECUM**

8 in **CAUSE NO. 17.0050**, by mailing true and correct copies thereof, properly addressed with
9 postage prepaid, certified mail return receipt requested, to:

10 Home Warranty Administrator of Nevada, Inc.
11 dba Choice Home Warranty
12 Attn: Victor Mandalawi
13 90 Washington Valley Road
14 Bedminster, NJ 07921-2118
15 CERTIFIED MAIL NO. 7016 2140 0000 7181 9786

16 Home Warranty Administrator of Nevada, Inc.
17 dba Choice Home Warranty
18 Attn: Victor Mandalawi
19 1090 King Georges Post Road, Building 10
20 Edison, NJ 08837
21 CERTIFIED MAIL NO. 7016 2140 0000 7181 9793

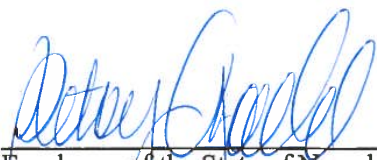
22 and, the originals of the foregoing were hand-delivered to:

23 Alexia M. Emmermann, Esq.
24 Hearing Officer
25 Department of Business and Industry
26 Division of Insurance
27 1818 East College Parkway, Suite 103
28 Carson City, NV 89706

and, copies of the foregoing were sent via electronic mail to:

Richard Yien, Deputy Attorney General
Nevada Attorney General's Office
E-MAIL: ryien@ag.nv.gov

DATED this 18th day of May, 2017.



Employee of the State of Nevada
Department of Business and Industry
Division of Insurance

7016 2140 0000 7181 9786

SENDER: COMPLETE THIS SECTION

■ Complete items 1, 2, and 3.
■ Print your name and address on the reverse so that we can return the card to you.
■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Home Warranty Administrator of Nevada, Inc.
dba Choice Home Warranty
Attn: Victor Mandalawi
90 Washington Valley Road
Bedminster, NJ 07921-2118

2. Article Number (Transfer from service label)
9590 9402 1828 6104 1719 39

3. Service Type
☒ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over \$500)

3. Service Type
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

4. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

5. Signature
☒ Agent
☐ Addressee

6. Received by (Printed Name)
C. Date of Delivery

7. D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

8. Domestic Return Receipt

PS Form 3811, July 2015 PSN 7530-02-000-9053

7016 2140 0000 7181 9786

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

DIVE-OF-INS A 17.0050 E

Certified Mail Fee \$
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$
Postage \$ 7.73

Home Warranty Administrator of Nevada, Inc.
dba Choice Home Warranty
Attn: Victor Mandalawi
90 Washington Valley Road
Bedminster, NJ 07921-2118

Postmark Here
MAY 12 2015
3813

or instructions

7016 2140 0000 7181 9793

SENDER: COMPLETE THIS SECTION

■ Complete items 1, 2, and 3.
■ Print your name and address on the reverse so that we can return the card to you.
■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Home Warranty Administrator of Nevada, Inc.
dba Choice Home Warranty
Attn: Victor Mandalawi
1090 King Georges Post Road, Building 10
Edison, NJ 08837

2. Article Number (Transfer from service label)
9590 9402 1828 6104 1719 22

3. Service Type
☒ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over \$500)

3. Service Type
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

4. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

5. Signature
☒ Agent
☐ Addressee

6. Received by (Printed Name)
C. Date of Delivery

7. D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

8. Domestic Return Receipt

PS Form 3811, July 2015 PSN 7530-02-000-9053

7016 2140 0000 7181 9793

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

DIVE-OF-INS A 17.0050 E

Certified Mail Fee \$
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$
Postage \$ 7.73

Home Warranty Administrator of Nevada, Inc.
dba Choice Home Warranty
Attn: Victor Mandalawi
1090 King Georges Post Road, Building 10
Edison, NJ 08837

Postmark Here
MAY 12 2015
3813

or instructions



STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE

IN THE MATTER OF) CAUSE NO. 17.0050
)
HOME WARRANTY ADMINISTRATOR) APPLICATION FOR SUBPOENA
OF NEVADA, INC. dba CHOICE HOME) DUCES TECUM
WARRANTY)
Respondent.)

The State of Nevada, Department of Business and Industry, Division of Insurance ("Division"), by and through its counsel, Deputy Attorney General Richard Paili Yien, and pursuant to Nevada Revised Statutes ("NRS") 679B.340 and Nevada Administrative Code ("NAC") 679B.280, hereby applies for the issuance of a subpoena deces tecum to HOME WARRANTY ADMINISTRATOR OF NEVADA, INC. dba CHOICE HOME WARRANTY ("CHW") in order to provide documents containing the following information:

1. Number of open contracts
2. For each open contract, the following information:
 - a. Name
 - b. Address
 - c. City, State and Zip
 - d. Policy purchase Date
 - e. Amount of Contract
 - f. Contract Expiration Date
3. Contracts with losses that have not been closed
4. Estimated loss reserves for open contracts with claims

///

///

1 POINTS AND AUTHORITIES

2 **A. REASON FOR REQUEST**

3 The Division filed a Complaint and Application for Order to Show Cause in this matter
4 on May 8, 2017. The Complaint alleges various violations of the NRS. The information
5 identified helps the Division assess the severity of and address the alleged violations. The
6 information therefore is relevant to the instant matter. The Division previously requested
7 similar information on February 1, 2017. CHW never provided the information and has not
8 otherwise responded; hence the need for this subpoena.


9 **B. LEGAL SUMMARY**

10 NRS 679B.340(1) provides that "[t]he Commissioner or any individual conducting a
11 hearing . . . by the authority of the Commissioner shall have power to . . . require the production
12 of any books, papers, records, correspondence or other documents which the Commissioner or the
13 individual conducting the hearing, examination or investigation deems relevant to the inquiry."
14 Subpoenas issued pursuant to NRS 679B.340 "have the same force and effect and shall be served
15 in the same manner as if issued from a court of record." NRS 679B.340(2).

16 This application is properly before the Hearing Officer pursuant to NRS 679B.340 and
17 NAC 679B.280. The Division's case may be prejudiced if the attached subpoenas are not issued.

18 Therefore, the Division respectfully requests that the Hearing Officer issue the attached
19 subpoenas requiring the documents stated above to be provided to the Nevada Division of
20 Insurance.

21 DATED this 9th day of May 2017.

22 
23 RICHARD PAILI YIEN
24 Deputy Attorney General
25 100 N. Carson Street
26 Carson City, Nevada 89701
27 (775) 684-1129
28 *Attorney for the Division of Insurance*

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I have this date served the following:

- 3 • **COMPLAINT AND APPLICATION FOR ORDER TO SHOW CAUSE**
4 • **ORDER TO SHOW CAUSE**
5 • **ORDER APPOINTING HEARING OFFICER**
6 • **APPLICATION FOR SUBPOENA DUCES TECUM**
7 • **SUBPOENA DUCES TECUM**

8 in **CAUSE NO. 17.0050**, by mailing true and correct copies thereof, properly addressed with
9 postage prepaid, certified mail return receipt requested, to:

10 Home Warranty Administrator of Nevada, Inc.
11 dba Choice Home Warranty
12 Attn: Victor Mandalawi
13 90 Washington Valley Road
14 Bedminster, NJ 07921-2118
15 CERTIFIED MAIL NO. 7016 2140 0000 7181 9786

16 Home Warranty Administrator of Nevada, Inc.
17 dba Choice Home Warranty
18 Attn: Victor Mandalawi
19 1090 King Georges Post Road, Building 10
20 Edison, NJ 08837
21 CERTIFIED MAIL NO. 7016 2140 0000 7181 9793

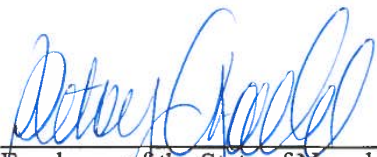
22 and, the originals of the foregoing were hand-delivered to:

23 Alexia M. Emmermann, Esq.
24 Hearing Officer
25 Department of Business and Industry
26 Division of Insurance
27 1818 East College Parkway, Suite 103
28 Carson City, NV 89706

and, copies of the foregoing were sent via electronic mail to:

Richard Yien, Deputy Attorney General
Nevada Attorney General's Office
E-MAIL: ryien@ag.nv.gov

DATED this 12th day of May, 2017.



Employee of the State of Nevada
Department of Business and Industry
Division of Insurance

7016 2140 0000 7181 9786

U.S. Postal Service[™]
CERTIFIED MAIL[®] RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

DIVE-OF-INS.A 17.0050 E

Certified Mail Fee \$
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$
Postage \$ 7.73

Home Warranty Administrator of Nevada, Inc.
dba Choice Home Warranty
Attn: Victor Mandalawi
90 Washington Valley Road
Bedminster, NJ 07921-2118

Postmark Here MAY 12 2015

3813

For instructions

7016 2140 0000 7181 9793

U.S. Postal Service[™]
CERTIFIED MAIL[®] RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

DIVE-OF-INS.A 17.0050 E

Certified Mail Fee \$
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$
Postage \$ 7.73

Home Warranty Administrator of Nevada, Inc.
dba Choice Home Warranty
Attn: Victor Mandalawi
1090 King Georges Post Road, Building 10
Edison, NJ 08837

Postmark Here MAY 12 2015

3813

For instructions

PS Form 3811, July 2015 PSN 7530-02-000-9053

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:
Home Warranty Administrator of Nevada, Inc.
dba Choice Home Warranty
Attn: Victor Mandalawi
90 Washington Valley Road
Bedminster, NJ 07921-2118

2. Article Number (Transfer from service label)
9590 9402 1828 6104 1719 39

3. Service Type
☒ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail[®]
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over \$500)

3. Service Type
☐ Priority Mail Express[®]
☐ Registered Mail[™]
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation[™]
☐ Signature Confirmation Restricted Delivery

4. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

Domestic Return Receipt

PS Form 3811, July 2015 PSN 7530-02-000-9053

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:
Home Warranty Administrator of Nevada, Inc.
dba Choice Home Warranty
Attn: Victor Mandalawi
1090 King Georges Post Road, Building 10
Edison, NJ 08837

2. Article Number (Transfer from service label)
9590 9402 1828 6104 1719 22

3. Service Type
☒ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail[®]
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over \$500)

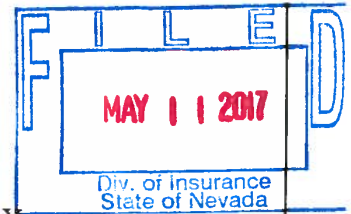
3. Service Type
☐ Priority Mail Express[®]
☐ Registered Mail[™]
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation[™]
☐ Signature Confirmation Restricted Delivery

4. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

Domestic Return Receipt

000021

AA000014



STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE

IN THE MATTER OF

CAUSE NO. 17.0050

**HOME WARRANTY ADMINISTRATOR
OF NEVADA, INC. dba CHOICE HOME
WARRANTY**

ORDER TO SHOW CAUSE

Respondent.

The State of Nevada, Department of Business and Industry, Division of Insurance
("Division"), sends greetings to:

Home Warranty Administrator of Nevada, Inc.
dba Choice Home Warranty
Attn: Victor Mandalawi
90 Washington Valley Road
Bedminster, NJ 07921-2118

Home Warranty Administrator of Nevada, Inc.
dba Choice Home Warranty
Attn: Victor Mandalawi
1090 King Georges Post Road, Building 10
Edison, NJ 08837

Be advised that pursuant to Title 57 of the Nevada Revised Statutes ("NRS"), and all other applicable laws and regulations, and under the general powers and duties of the Commissioner of Insurance ("Commissioner"), Respondent, Home Warranty Administrator of Nevada, Inc. dba Choice Home Warranty, is ordered to appear and show cause, if any, why appropriate disciplinary action should not be taken for the alleged violations of Nevada law set forth in the Complaint and Application for Order to Show Cause filed by the Division.


A hearing will be held before the Commissioner, or her appointed Hearing Officer, on the 28th day of June, 2017, at 9:00 a.m., at the office of the Division, 1818 East College Parkway, Suite 103, Carson City, Nevada 89706. The parties may attend the hearing by videoconference at the Division's Las Vegas office located at Nevada State Business Office, 3300 West Sahara Avenue, Suite 275, Las Vegas, Nevada 89102, provided that notification is made, in writing, to the Hearing Officer no later than five (5) business days prior to the date of the scheduled hearing.

000011

1 Pursuant to Nevada Revised Statute ("NRS") 233B.121(3), all parties may be
2 represented by counsel at an administrative hearing. Accordingly, Respondent may seek
3 representation by a licensed Nevada attorney, pursuant to Nevada Administrative Code
4 ("NAC") 679B.313, and shall notify the Division of such representation no later than 5 days
5 prior to the date of this hearing, pursuant to NAC 679B.311(2).

6 Written and oral evidence may be presented by the parties, and all parties will be given
7 an opportunity to be heard. The hearing will be conducted pursuant to Chapter 233B of the
8 NRS, Title 57 of NRS, including NRS 679B.310, et seq., Chapter 679B of the NAC dealing
9 with hearings before the Division, and all other applicable laws and regulations.

10 DATED this 11th day of May, 2017.

11
12 
13 BARBARA D. RICHARDSON
14 Commissioner of Insurance
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I have this date served the following:

- 3 • **COMPLAINT AND APPLICATION FOR ORDER TO SHOW CAUSE**
4 • **ORDER TO SHOW CAUSE**
5 • **ORDER APPOINTING HEARING OFFICER**
6 • **APPLICATION FOR SUBPOENA DUCES TECUM**
7 • **SUBPOENA DUCES TECUM**

8 in **CAUSE NO. 17.0050**, by mailing true and correct copies thereof, properly addressed with
9 postage prepaid, certified mail return receipt requested, to:

10 Home Warranty Administrator of Nevada, Inc.
11 dba Choice Home Warranty
12 Attn: Victor Mandalawi
13 90 Washington Valley Road
14 Bedminster, NJ 07921-2118
15 CERTIFIED MAIL NO. 7016 2140 0000 7181 9786

16 Home Warranty Administrator of Nevada, Inc.
17 dba Choice Home Warranty
18 Attn: Victor Mandalawi
19 1090 King Georges Post Road, Building 10
20 Edison, NJ 08837
21 CERTIFIED MAIL NO. 7016 2140 0000 7181 9793

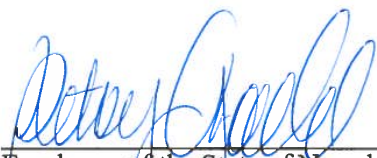
22 and, the originals of the foregoing were hand-delivered to:

23 Alexia M. Emmermann, Esq.
24 Hearing Officer
25 Department of Business and Industry
26 Division of Insurance
27 1818 East College Parkway, Suite 103
28 Carson City, NV 89706

and, copies of the foregoing were sent via electronic mail to:

Richard Yien, Deputy Attorney General
Nevada Attorney General's Office
E-MAIL: ryien@ag.nv.gov

DATED this 18th day of May, 2017.



Employee of the State of Nevada
Department of Business and Industry
Division of Insurance

7016 2140 0000 7181 9786

U.S. Postal Service[™]
CERTIFIED MAIL[®] RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

DIVE-OF-INS A 17.0050 E

Certified Mail Fee \$
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$
Postage \$ 7.73

Home Warranty Administrator of Nevada, Inc.
dba Choice Home Warranty
Attn: Victor Mandalawi
90 Washington Valley Road
Bedminster, NJ 07921-2118

Postmark Here MAY 12 2015

3813

For instructions

7016 2140 0000 7181 9793

U.S. Postal Service[™]
CERTIFIED MAIL[®] RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

DIVE-OF-INS A 17.0050 E

Certified Mail Fee \$
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$
Postage \$ 7.73

Home Warranty Administrator of Nevada, Inc.
dba Choice Home Warranty
Attn: Victor Mandalawi
1090 King Georges Post Road, Building 10
Edison, NJ 08837

Postmark Here MAY 12 2015

3813

For instructions

PS Form 3811, July 2015 PSN 7530-02-000-9053

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:
Home Warranty Administrator of Nevada, Inc.
dba Choice Home Warranty
Attn: Victor Mandalawi
90 Washington Valley Road
Bedminster, NJ 07921-2118

2. Article Number (Transfer from service label)
9590 9402 1828 6104 1719 39

3. Service Type
☒ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail[®]
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over \$500)

4. Priority Mail Express[®]
☐ Registered Mail[™]
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation[™]
☐ Signature Confirmation Restricted Delivery

5. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

6. Signature
A. Signature ☒ Agent ☐ Addressee
B. Received by (Printed Name)
C. Date of Delivery
D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

Domestic Return Receipt

PS Form 3811, July 2015 PSN 7530-02-000-9053

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:
Home Warranty Administrator of Nevada, Inc.
dba Choice Home Warranty
Attn: Victor Mandalawi
1090 King Georges Post Road, Building 10
Edison, NJ 08837

2. Article Number (Transfer from service label)
9590 9402 1828 6104 1719 22

3. Service Type
☒ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail[®]
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over \$500)

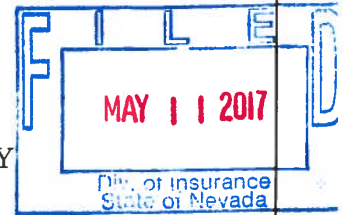
4. Priority Mail Express[®]
☐ Registered Mail[™]
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation[™]
☐ Signature Confirmation Restricted Delivery

5. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

6. Signature
A. Signature ☒ Agent ☐ Addressee
B. Received by (Printed Name)
C. Date of Delivery
D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

Domestic Return Receipt

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE



IN THE MATTER OF) CAUSE NO. 17.0050
)
HOME WARRANTY ADMINISTRATOR) SUBPOENA DUCES TECUM
OF NEVADA, INC. dba CHOICE HOME)
WARRANTY)
)
Respondent.)
_____)

The State of Nevada, Department of Business and Industry, Division of Insurance
("Division"), sends greetings to:

Home Warranty Administrator of Nevada, Inc.
dba Choice Home Warranty
Attn: Victor Mandalawi
90 Washington Valley Road
Bedminster, NJ 07921-2118

Home Warranty Administrator of Nevada, Inc.
dba Choice Home Warranty
Attn: Victor Mandalawi
1090 King Georges Post Road, Building 10
Edison, NJ 08837

WE COMMAND YOU, pursuant to Nevada Revised Statutes ("NRS") 679B.340 and
Nevada Administrative Code ("NAC") 679B.280, to present to the Division, no later than 5:00
p.m., on June 6, 2017, to the offices of the Division located at 1818 East College Parkway, Suite
103, Carson City, Nevada 89706, for examination by the Division, copies of the following
documents and records:

1. Copies of all open contracts in Nevada, including for each such contract:
 - a. Name
 - b. Address
 - c. City, State and Zip
 - d. Policy purchase Date
 - e. Amount of Contract
 - f. Contract Expiration Date

- 1 2. Copies of those contracts in Nevada with losses that have not been closed
2 3. Copies of financial statements and accounting records that show estimated loss
3 reserves for open contracts in Nevada with claims

4 Failure to do so could be deemed a violation of NRS 679B.340, said violation being a
5 misdemeanor, subjecting the violator to such action or sanctions as determined by an
6 appropriate court of law.

7 If you have any questions regarding this matter, you may contact DEPUTY
8 ATTORNEY GENERAL RICHARD YIEN, at 100 N. Carson Street, Carson City, NV 89701,
9 (775) 684-1129.

10 SO ORDERED this 11th day of May, 2017.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



BARBARA D. RICHARDSON
Commissioner of Insurance

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2

- 3
4
5
6
7

8
9

10
11
12

14

15

16

17

18
19
20

22

23

24

25

26

27

7016 2140 0000 7181 9786

U.S. Postal ServiceTM
CERTIFIED MAIL[®] RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

DIVE-OF-INS.A 17.0050 E

Certified Mail Fee \$
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$
Postage \$ 7.73

Home Warranty Administrator of Nevada, Inc.
dba Choice Home Warranty
Attn: Victor Mandalawi
90 Washington Valley Road
Bedminster, NJ 07921-2118

Postmark Here MAY 12 2015

3813

For instructions

7016 2140 0000 7181 9793

U.S. Postal ServiceTM
CERTIFIED MAIL[®] RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

DIVE-OF-INS.A 17.0050 E

Certified Mail Fee \$
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$
Postage \$ 7.73

Home Warranty Administrator of Nevada, Inc.
dba Choice Home Warranty
Attn: Victor Mandalawi
1090 King Georges Post Road, Building 10
Edison, NJ 08837

Postmark Here MAY 12 2015

3813

For instructions

PS Form 3811, July 2015 PSN 7530-02-000-9053

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:
Home Warranty Administrator of Nevada, Inc.
dba Choice Home Warranty
Attn: Victor Mandalawi
90 Washington Valley Road
Bedminster, NJ 07921-2118

2. Article Number (Transfer from service label)
9590 9402 1828 6104 1719 39

3. Service Type
☒ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail[®]
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over \$500)

3. Service Type
☐ Priority Mail Express[®]
☐ Registered MailTM
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature ConfirmationTM
☐ Signature Confirmation Restricted Delivery

4. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

Domestic Return Receipt

0509 17

PS Form 3811, July 2015 PSN 7530-02-000-9053

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:
Home Warranty Administrator of Nevada, Inc.
dba Choice Home Warranty
Attn: Victor Mandalawi
1090 King Georges Post Road, Building 10
Edison, NJ 08837

2. Article Number (Transfer from service label)
9590 9402 1828 6104 1719 22

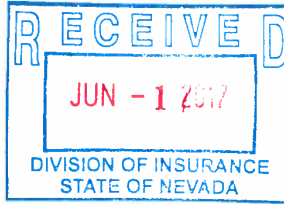
3. Service Type
☒ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail[®]
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over \$500)

3. Service Type
☐ Priority Mail Express[®]
☐ Registered MailTM
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature ConfirmationTM
☐ Signature Confirmation Restricted Delivery

4. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

Domestic Return Receipt

17.0050



Lori Grifa
Member of the New Jersey
and New York Bars
lgrifa@archerlaw.com
201-498-8510 (Ext. 7510) Direct
201-342-6611 Direct Fax

Archer & Greiner, P.C.
Court Plaza South, West Wing
21 Main Street, Suite 353
Hackensack, NJ 07601-7095
201-342-6000 Main
201-342-6611 Fax
www.archerlaw.com

May 30, 2017

By Federal Express

Attn. Alexia M. Emmermann, Esq.
Hearing Officer
Department of Business and Industry
Division of Insurance
1818 East College Parkway, Suite 103
Carson City, NV 89106

**Re: In the Matter of Home Warranty Administrator of Nevada Inc., d/b/a Choice
Home Warranty
Cause No.: 17.0050**

Dear Ms. Emmermann:

This firm represents Home Warranty Administrator of Nevada Inc., d/b/a Choice Home Warranty in the above-captioned matter. As neither I nor any of my colleagues are admitted to practice in the State of Nevada, it will be necessary for our client to identify and retain local counsel.

Accordingly, enclosed please find an original and one copy of Respondent's Petition to Enlarge Time to Respond to Subpoena Duces Tecum, with attached, proposed form of Order and Certificate of Service. As I am not familiar with the your court rules or local practice, I hope that you will indulge any defects as to form.

If there is a filing fee for this Petition, please contact my office upon receipt so I can make arrangements to pay the same.

Respectfully submitted,

LORI GRIFA

Enclosures

c: Richard Yien, Deputy Attorney General (By electronic mail only, with enclosures)

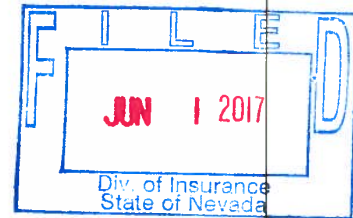
Haddonfield, NJ | Hackensack, NJ | Princeton, NJ | Philadelphia, PA | Flemington, NJ | Red Bank, NJ | New York, NY | Wilmington, DE

212655007v1

000026

AA000023

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE



IN THE MATTER OF

CAUSE No.: 17.0050

HOME WARRANTY ADMINISTRATOR OF
NEVADA INC., d/b/a CHOICE HOME
WARRANTY,

Respondent.

**PETITION TO ENLARGE TIME TO
RESPOND TO SUBPOENA DUCES
TECUM**

TO: Alexis M. Emmermann, Esq.
Hearing Officer
Department of Business and Industry
Division of Insurance
1818 East College Parkway, Suite 103
Carson City, NV 89106

I, **LORI GRIFA**, of full age, hereby certify as follows:

I am a duly licensed attorney in New Jersey and an partner at Archer & Greiner, P.C.,
attorneys for:

Home Warranty Administrator of Nevada, Inc.
dba Choice Home Warranty
90 Washington Valley Road
Bedminster, New Jersey 07921-2118

Home Warranty Administrator of Nevada, Inc.
dba Choice Home Warranty
1090 King Georges Post Road, Building 10
Edison, New Jersey 08837

("Respondent") in the above-captioned case. As such, and having reviewed the aforesaid
Subpoena *Duces Tecum*, I say:

WHEREAS, counsel is not admitted to practice law in the State of Nevada and cannot appear on behalf of Respondent with regard to the Subpoena *Duces Tecum*, so ordered by Barbara D. Richardson, Commissioner of Insurance, on May 11, 2017;

WHEREAS, it will be necessary for Respondent to identify and retain local counsel;

WHEREAS, this effort has taken some time that could otherwise be dedicated to subpoena compliance;

WHEREAS, Respondent seeks an enlargement of the time to comply with and respond to the May 11, 2017 subpoena, providing responses to and responsive documents by June 16, 2017; and

WHEREAS, Deputy Attorney General Richard Yien has indicated telephonically that in light of the aforesaid circumstances, he will not object to Respondent's request.

WHEREAS, the aforesaid reasons being reasonable, it is respectfully requested that the instant petition be GRANTED.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me is willfully false, I am subject to punishment.

Dated: May 30, 2017

By: 

LORI GRIFA, ESQ.

ARCHER & GREINER, P.C.
21 Main Street – Suite 353
Hackensack, New Jersey 07601
(201) 342-6000
(201) 498-8510 (direct)
Attorneys for Respondent
Home Warranty Administrator of Nevada,
Inc. d/b/a Choice Home Warranty.

ORDER

THIS PETITION having been filed by Respondent Home Warranty Administrator of Nevada, Inc. d/b/a Choice Home Warranty, through its attorneys, Archer & Greiner, P.C., Lori Grifa, Esq. appearing and requesting enlargement of time to respond to Subpoena *Duces Tecum*, issued on Cause No. 17.0050, and the requested enlargement and the reasons proffered therefor being reasonable, and there being no opposition to same;

IT IS on this ____ day of June 2017;

ORDERED that the Petition of Respondent to Enlarge Time to Respond to Subpoena *Duces Tecum* shall be granted, with Respondent's responses and responsive documents due on June 16, 2017.

SO ORDERED this ____ day of June, 2017.

ALEXIA M. EMMERMANN, Esq.
Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that I have this date served the following:

- Petition to Enlarge Time to Respond to Subpoena Duces Tecum; and
- Proposed Form of Order

In CAUSE NO. 17.0050, by express mailing an original and one true and correct copy thereof, properly addressed with postage pre-paid to:

Alexis M. Emmermann, Esq.
Hearing Officer
Department of Business and Industry
Division of Insurance
1818 East College Parkway, Suite 103
Carson City, NV 89106

And, copies of the foregoing were sent via electronic mail to:

Richard, Yien, Deputy Attorney General
Nevada Attorney General's Office
Email: ryien@ag.nv.gov

DATED: this 30th Date of May, 2017.



LORI GRIFA, Esq.

ARCHER & GREINER, P.C.
21 Main Street – Suite 353
Hackensack, New Jersey 07601
(201) 342-6000
(201) 498-8510 (direct)
Attorneys for Respondent
Home Warranty Administrator of Nevada,
Inc. d/b/a Choice Home Warranty.

ORIGIN ID: AYA (201) 342-6000 LORI GRIFA, ESQ. 21 MAIN STREET - SUITE 353 HACKENSACK, NJ 07601 UNITED STATES US		SHIP DATE: 30MAY17 ACTWGT: 0.50 LB CAD: 1030163INET3850
TO ALEXIS M. EMMERMANN, ESQ. DEPARTMENT OF BUSINESS & INDUSTRY 1818 E. COLLEGE PARKWAY, STE. 103 DIVISION OF INSURANCE LAS VEGAS NV 89106 (201) 342-6000 X 7642 NV REF: CHW002 00807 PO DEPT		BILL SENDER
		
		
J171117821481us		
TRK# 7792 5242 9988 0201	WED - 31 MAY 3:00P STANDARD OVERNIGHT	89106 NV-US LAS
		
XX VGTA		

After printing this label:

1. Use the 'Print' button on this page to print your label to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1,000, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

ORIGIN D-VGTA (800) 463-3339 CUSTOMER SERVICE FEDEx 1121 W. CHEYENNE AVE NORTH LAS VEGAS NV 89030 UNITED STATES US		SHIP DATE: 31MAY17 ACTING: 1.00 LB CAD: 2657520NET3850
TO ALEXIS M. EMMERMANN, ESQ DEPT OF BUSINESS & INDUSTRY 1818 E COLLEGE PKY STE 103 CARSON CITY NV 89706		BILL THIRD PARTY
(201) 342-6000 X 7642 REF: 779252429988 RRT NV: DEPT PO:		
		
		
546J11873463C1		
TRK# 7792 6825 4673 0201	THU - 01 JUN 3:00P STANDARD OVERNIGHT	89706 NV-US RNO
		
XH CSNA		

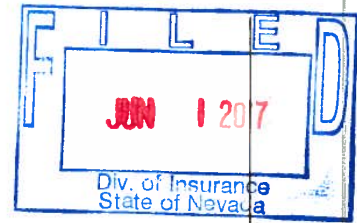
After printing this label:

1. Use the 'Print' button on this page to print your label to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1,000, e.g. jewelry, precious metals, negotiable instruments and other items listed in our ServiceGuide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE



IN THE MATTER OF) CAUSE NO. 17.0050
)
HOME WARRANTY ADMINISTRATOR) NOTICE OF NON-OPPOSITION TO
OF NEVADA, INC. dba CHOICE HOME) RESPONDENT'S REQUEST FOR
WARRANTY) EXTENSION OF TIME TO COMPLY
) WITH SUBPOENA DUCES TECUM
Respondent.)
_____)

The State of Nevada, Department of Business and Industry, Division of Insurance ("Division"), by and through its counsel, Deputy Attorney General RICHARD PAILI YIEN, hereby submits this Notice of Non-Opposition to Respondent's Request for an additional 10 days to provide documents pursuant to the Subpoena Duces Tecum ordered on May 11, 2017, by the Commissioner of Insurance for the State of Nevada.

DATED: June 1, 2017.

ADAM PAUL LAXALT
Attorney General

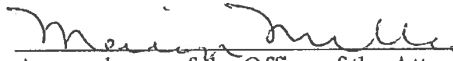
By:


RICHARD P. YIEN
Deputy Attorney General

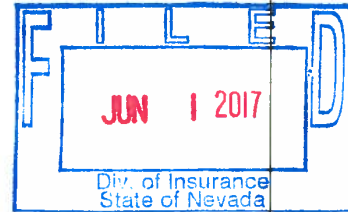
CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the State of Nevada, Office of the Attorney General and that on the 1st day of June, 2017 I served the foregoing NOTICE OF NON-OPPOSITION TO RESPONDENT'S REQUEST FOR EXTENSION OF TIME TO COMPLY WITH SUBPOENA DUCES TECUM addressed as follows:

Lori Grifa, Esq.
Archer & Greiner, PC
Hackensack, NJ
Court Plaza South, West Wing
21 Main Street, Suite 353
NJ 07601-7095
lgrifa@archerlaw.com


An employee of the Office of the Attorney General

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE



IN THE MATTER OF

CAUSE No.: 17.0050

HOME WARRANTY ADMINISTRATOR OF
NEVADA INC., d/b/a CHOICE HOME
WARRANTY,

**PETITION TO ENLARGE TIME TO
RESPOND TO SUBPOENA DUCES
TECUM**

Respondent.

TO: Alexis M. Emmermann, Esq.
Hearing Officer
Department of Business and Industry
Division of Insurance
1818 East College Parkway, Suite 103
Carson City, NV 89106

I, **LORI GRIFA**, of full age, hereby certify as follows:

I am a duly licensed attorney in New Jersey and an partner at Archer & Greiner, P.C.,
attorneys for:

Home Warranty Administrator of Nevada, Inc.
dba Choice Home Warranty
90 Washington Valley Road
Bedminster, New Jersey 07921-2118

Home Warranty Administrator of Nevada, Inc.
dba Choice Home Warranty
1090 King Georges Post Road, Building 10
Edison, New Jersey 08837

("Respondent") in the above-captioned case. As such, and having reviewed the aforesaid
Subpoena *Duces Tecum*, I say:

WHEREAS, counsel is not admitted to practice law in the State of Nevada and cannot appear on behalf of Respondent with regard to the Subpoena *Duces Tecum*, so ordered by Barbara D. Richardson, Commissioner of Insurance, on May 11, 2017;

WHEREAS, it will be necessary for Respondent to identify and retain local counsel;

WHEREAS, this effort has taken some time that could otherwise be dedicated to subpoena compliance;

WHEREAS, Respondent seeks an enlargement of the time to comply with and respond to the May 11, 2017 subpoena, providing responses to and responsive documents by June 16, 2017; and

WHEREAS, Deputy Attorney General Richard Yien has indicated telephonically that in light of the aforesaid circumstances, he will not object to Respondent's request.

WHEREAS, the aforesaid reasons being reasonable, it is respectfully requested that the instant petition be GRANTED.

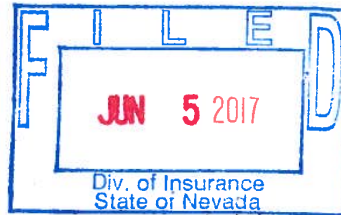
I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me is willfully false, I am subject to punishment.

Dated: May 30, 2017

By: _____


LORI GRIFA, ESQ.

ARCHER & GREINER, P.C.
21 Main Street – Suite 353
Hackensack, New Jersey 07601
(201) 342-6000
(201) 498-8510 (direct)
Attorneys for Respondent
Home Warranty Administrator of Nevada,
Inc. d/b/a Choice Home Warranty.



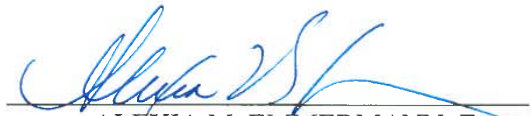
ORDER

THIS PETITION having been filed by Respondent Home Warranty Administrator of Nevada, Inc. d/b/a Choice Home Warranty, through its attorneys, Archer & Greiner, P.C., Lori Grifa, Esq. appearing and requesting enlargement of time to respond to Subpoena *Duces Tecum*, issued on Cause No. 17.0050, and the requested enlargement and the reasons proffered therefor being reasonable, and there being no opposition to same;

on this day of June 2017;

ORDERED that the Petition of Respondent to Enlarge Time to Respond to Subpoena *Duces Tecum* shall be granted, with Respondent's responses and responsive documents due on June 16, 2017.

SO ORDERED this 5th day of June, 2017.


ALEXIA M. EMMERMANN, Esq.
Hearing Officer

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I have this date served the **PETITION TO ENLARGE TIME TO**
3 **RESPOND TO SUBPOENA DUCES TECUM and ORDER** in **CAUSE NO. 17.0050**, by
4 electronically delivering a copy thereof to the following:

5 Lori Grifa, Esq.
6 Archer & Greiner, PC
7 Court Plaza South, West Wing
8 21 Main Street, Suite 353
9 Hackensack, NJ 07601-7095
10 E-MAIL: lgrifa@archerlaw.com

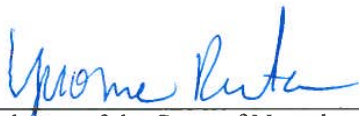
11 and, the originals of the foregoing were hand-delivered to:

12 Alexia M. Emmermann, Esq.
13 Hearing Officer
14 Department of Business and Industry
15 Division of Insurance
16 1818 East College Parkway, Suite 103
17 Carson City, NV 89706

18 and, copies of the foregoing were sent via electronic mail to:

19 Richard Yien, Deputy Attorney General
20 Nevada Attorney General's Office
21 E-MAIL: ryien@ag.nv.gov

22 DATED this 5th day of June, 2017.

23 
24 _____
25 Employee of the State of Nevada
26 Department of Business and Industry
27 Division of Insurance
28



KIRK B. LENHARD, ESQ., Nevada Bar No. 1437
klenhard@bhfs.com
TRAVIS F. CHANCE, ESQ., Nevada Bar No. 13800
tchance@bhfs.com
BROWNSTEIN HYATT FARBER SCHRECK, LLP
100 North City Parkway, Suite 1600
Las Vegas, NV 89106-4614
Telephone: 702.382.2101
Facsimile: 702.382.8135

*Attorneys for Respondent Home Warranty
Administrator of Nevada, Inc. dba Choice Home
Warranty*

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE

IN THE MATTER OF:

CAUSE NO.: 17.0050

HOME WARRANTY ADMINISTRATOR
OF NEVADA, INC. dba CHOICE HOME
WARRANTY

**SECOND REQUEST FOR EXTENSION OF
TIME TO COMPLY WITH SUBPOENA
DUCES TECUM**

Respondent.

On May 9, 2017, the Nevada Attorney General, on behalf of the Nevada Division of Insurance (the "Division"), filed a Complaint against Respondent Home Warranty Administrator of Nevada, Inc. d/b/a Choice Home Warranty ("Respondent"), alleging various violations of the Nevada insurance statutes.¹ The Complaint further seeks to revoke Respondent's license to engage in the business of an insurance company within the State of Nevada and to impose monetary fines upon Respondent. An Order to Show Cause as to why the requested relief should not be granted was issued by the Division on May 11, 2017.

Also issuing on May 11, 2017 was a Subpoena *Duces Tecum* ("SDT"). The SDT requests numerous and voluminous documents from Respondent, including: (1) copies of all open contracts in Nevada; (2) copies of Nevada contracts with losses that have not been closed; and (3) copies of financial statements and accounting records showing estimated loss reserves for open

¹ Violations are alleged under NRS 679B.125(2), 686A.070, 686A.170, and 686A.310(1)(b).
15754527

1 Nevada contracts that have claims. The SDT originally contained a return date and production
2 deadline of June 6, 2017.

3 On June 5, 2017, Respondent petitioned the Division for an enlargement of time to
4 respond to the SDT, through its out-of-state counsel. In that Petition, Respondent noted that it
5 required more time to obtain local Nevada counsel. The Petition was granted by Order of the
6 Hearing Office assigned to this Cause and dated June 5, 2017. Respondent was given until June
7 16, 2017 to comply with the SDT.

8 Since the June 5, 2017 Order, Respondent has worked diligently to procure all subpoenaed
9 documents. In fact, Respondent intends to comply with the majority of the provisions of the SDT,
10 specifically Paragraphs 2 and 3. However, Paragraph 1 of the SDT contains several subparts that
11 require Respondent to provide, for all open Nevada contracts: (1) the name of the insured; (2) the
12 address of the insured, with city, state, and zip code; (3) the policy's purchase date; (4) the
13 amount of the contract; and (5) the contract's expiration date. Respondent currently has over
14 12,000 open Nevada contracts.

15 Respondent is fully willing to break out and assemble all of the specific information for
16 each of those 12,000 contracts as set forth in Paragraph 1 but in order to do so, requires a second,
17 short extension of time. Respondent is not making the foregoing request to delay or stall this
18 proceeding, as evidenced by Respondent's provision of documents responsive to Paragraphs 2
19 and 3 of the SDT by the currently set deadline.

20 Therefore, based upon the foregoing, Respondent respectfully requests a short extension
21 of time to comply with Provision 1 of the SDT, up to 5:00 P.M. PT on June 30, 2017.

22 DATED this 14th day of June, 2017.

23 BROWNSTEIN HYATT FARBER SCHRECK, LLP

24 By: 

25 KIRK B. LENHARD, ESQ., Nevada Bar No. 1437
klenhard@bhfs.com

26 TRAVIS F. CHANCE, ESQ., Nevada Bar No. 13800
tchance@bhfs.com

27 *Attorneys for Respondent Home Warranty*
28 *Administrator of Nevada, Inc. dba Choice Home*
Warranty

15754527

**ORDER GRANTING RESPONDENT'S SECOND REQUEST FOR EXTENSION OF
TIME TO COMPLY WITH SUBPOENA DUCES TECUM**

Respondent, Home Warranty Administrator of Nevada, Inc. d/b/a Choice Home Warranty, having filed a Second Request for Extension of Time to Comply with Subpoena *Duces Tecum*, by and through its attorneys Kirk B. Lenhard, Esq. and Travis F. Chance, Esq., of the law firm Brownstein Hyatt Farber Schreck, LLP, requesting an extension of time to comply with the first Provision of the Subpoena *Duces Tecum* issued in Cause No. 17.0050, and the requested extension and the reasons proffered therefor being reasonable,

IT IS HEREBY ORDERED that the Second Request for Extension of Time to Comply with Subpoena *Duces Tecum* is hereby **GRANTED**. Respondent shall have up to 5:00 P.M. PT on June 30, 2017 to provide the documents listed in Paragraph 1 of the Subpoena *Duces Tecum*.

DATED June ____, 2017

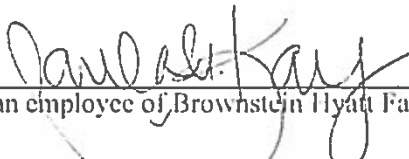
ALEXIA M. EMMERMAN, ESQ.
Hearing Officer

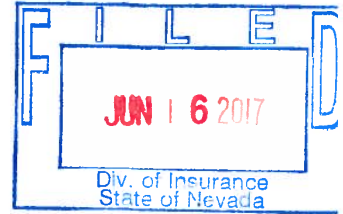
CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Brownstein Hyatt Farber Schreck, LLP, and that on the 14th day of June, 2017, I caused a true and correct copy of the foregoing **SECOND REQUEST FOR EXTENSION OF TIME TO COMPLY WITH SUBPOENA DUCES TECUM** to be served, U.S. Mail, postage prepaid, and via electronic mail, to the following:

ALEXIA M. EMMERMANN, ESQ.
Hearing Office
Department of Business and Industry
Division of Insurance
1818 East College Parkway, Suite 103
Carson City, NV 89706
Email: fcasci@doi.nv.gov

ADAM PAUL LAXALT, ESQ.
ATTORNEY GENERAL
RICHARD YIEN, Deputy Attorney General
Nevada Attorney General's Office
100 North Carson Street
Carson City, NV 89701-4717
Email: ryien@ag.nv.gov


an employee of Brownstein Hyatt Farber Schreck, LLP




STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE

IN THE MATTER OF) CAUSE NO. 17.0050
)
HOME WARRANTY ADMINISTRATOR) NOTICE OF NON-OPPOSITION TO
OF NEVADA, INC. dba CHOICE HOME) RESPONDENT'S SECOND REQUEST
WARRANTY) FOR EXTENSION OF TIME TO
Respondent.) COMPLY WITH SUBPOENA DUCES
) TECUM
)

The State of Nevada, Department of Business and Industry, Division of Insurance ("Division"), by and through its counsel, Deputy Attorney General RICHARD PAILI YIEN, hereby submits this Notice of Non-Opposition to Respondent's Second Request For Extension of Time to Comply with Subpoena Duces Tecum filed on June 14, 2017, by Respondent.

DATED this 16th day of June 2017.


RICHARD PAILI YIEN
Deputy Attorney General
100 N. Carson Street
Carson City, Nevada 89701
(775) 684-1129
Attorney for the Division of Insurance

[illegible]

2
3
4
5
6
7
8
9
0

1
2
3
4
5
6
7
8
9
0

[illegible][illegible]

2
3
4
5
5
7
3
9
9
E
.

3
4
5
5
7
8
9
9
E
.

7
3
9
0
2

3
9
0
:
.

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE



IN THE MATTER OF) CAUSE NO. 17.0050
)
HOME WARRANTY ADMINISTRATOR) JOINT REQUEST TO CONTINUE
OF NEVADA, INC. dba CHOICE HOME) HEARING
WARRANTY)
)
Respondent.)
)

JOINT REQUEST TO CONTINUE HEARING

The State of Nevada, Department of Business and Industry, Division of Insurance ("Division"), by and through its counsel, Deputy Attorney General RICHARD PAILI YIEN; and HOME WARRANTY ADMINISTRATOR OF NEVADA, INC. dba CHOICE HOME WARRANTY, by and through its counselors LORI GRIFA, ESQ.; KIRK B. LENHARD, ESQ.; and TRAVIS F. CHANCE, ESQ., hereby file a Joint Request to Continue Hearing. The Commissioner of Insurance had scheduled, in the Order to Show Cause issued on May 11, 2017, a hearing on this matter for June 28, 2017. Parties are attempting to resolve the dispute without a hearing.

///

///

///

///

///


///

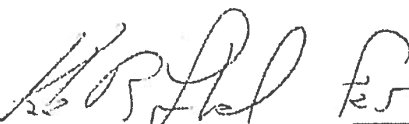
///

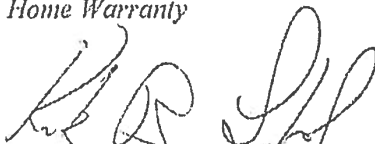
///

Specifically, the Division has agreed to meet with Respondent on June 21, 2017, to discuss settlement. Additionally, an extension of time for Respondent to comply with the Subpoena Duces Tecum Order was granted by this court on May 11, 2017. Respondent has since submitted a Second Request for Extension of Time to which the Division has filed a Non-Opposition. Both parties agree to move forward with rescheduling this hearing and propose the dates of August 1, 2017, and August 3, 2017, as potential hearing dates.

DATED this 19th day of June 2017.


RICHARD PAILI YIEN, ESQ.
Deputy Attorney General
Attorney for the Division of Insurance
Home Warranty


LORI GRIFA, ESQ.
Attorney for Respondent Home Warranty
Administrator of Nevada, Inc. dba Choice


KIRK B. LENHARD, ESQ.
TRAVIS F. CHANCE, ESQ.
Attorneys for Respondent Home Warranty
Administrator of Nevada, Inc. dba Choice
Home Warranty

Felecia Casci

From: Richard P. Yien <RYien@ag.nv.gov>
Sent: Tuesday, June 20, 2017 8:57 AM
To: Felecia Casci
Cc: 'Grifa, Lori'; Lenhard, Kirk B.; Anne C. Kinsey-Goldy; 'PKay@BHFS.com'
Subject: Joint Request to Continue Hearing CHW 17.0050
Attachments: Joint Request to Continue Hearing.pdf

Madame Hearing Officer,

Please find attached a Joint Request to Continue Hearing the parties would like to file on Cause# 17.0050.

Respectfully,

Richard Yien, Deputy Attorney General
State of Nevada
Office of the Attorney General
100 N. Carson
Carson City, Nevada 89701
RYien@ag.nv.gov
Phone: (775) 684-1129
Fax: (775) 684-1156

This e-mail contains the thoughts and opinions of Richard Yien and does not represent official Office of the Attorney General policy. This message and attachments are intended only for the addressee(s) and may contain information that is privileged and confidential. If the reader of the message is not the intended recipient or an authorized representative of the intended recipient, I did not intend to waive and do not waive any privileges or the confidentiality of the messages and attachments, and you are hereby notified that any dissemination of this communication is strictly prohibited. If you receive this communication in error, please notify me immediately by e-mail at RYien@ag.nv.gov and delete the message and attachments from your computer and network. Thank you.

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE

IN THE MATTER OF

CAUSE NO. 17.0050

HOME WARRANTY ADMINISTRATOR OF
NEVADA, INC. dba CHOICE HOME
WARRANTY,

Respondent.



ORDER ON MOTION REQUESTING EXTENSION OF TIME AND
ORDER ON JOINT REQUEST FOR CONTINUANCE

This matter is before the Nevada Division of Insurance ("Division") on an Order to Show Cause issued by the Commissioner of Insurance ("Commissioner") on May 11, 2017. A hearing is currently scheduled for June 28, 2017, at 9:00 a.m. at the office of the Division in Carson City. On or about May 11, 2017, the Commissioner issued a Subpoena Duces Tecum at the Division's request, with the records responsive to the Subpoena due no later than 5:00 p.m. on June 6, 2017. On or about June 1, 2017, Home Warranty Administrator ("HWA") moved the Hearing Officer through a Petition to Enlarge Time to Respond to Subpoena Duces Tecum to extend the Subpoena due date to June 16, 2017, which was unopposed by the Division. On June 5, 2017, the Hearing Officer granted the motion. On or about June 14, 2017, HWA filed a Second Request for Extension of Time to Comply with Subpoena Duces Tecum and proposed a due date of June 30, 2017. Specifically, HWA requested more time to address certain provisions of the Subpoena for which HWA must review approximately 12,000 open contracts. The Division does not oppose the second extension. On June 16, 2017, HWA notified the Hearing Officer that it produced some records responsive to the Subpoena. On or about June 20, 2017, the Hearing Officer received a Joint Request to Continue Hearing, which explains that the Parties are attempting to resolve the matter without a hearing and proposes two alternate dates to re-schedule the hearing.

In hearings before the Division, a party may request an order of the hearing officer by filing a motion, and the opposing party may file a response to the motion. NAC 679B.415.1-2. In this matter, HWA produced some records in response to the Subpoena, but requested

1 additional time to complete its production of records. Due to the volume of records that it must
2 review, and there being no objection to this second request to extend the due date, the Hearing
3 Officer **HEREBY GRANTS** HWA's request to extend the due date on the Subpoena until
4 June 30, 2017. Moreover, given the extension of time by which HWA must comply with the
5 Subpoena, and based on the Joint Request to Continue Hearing, the Hearing Officer **HEREBY**
6 **CONTINUES** the hearing in this matter until **August 1, 2017, at 9:00 a.m.** at the offices of the
7 Division, 1818 E. College Pkwy., Suite 103, Carson City, Nevada. NAC 679B.211.3(a)
8 (allowing a hearing officer to continue a hearing until a later date upon written request of any
9 party).

10 DATED this 22nd day of June, 2017.

11 
12 ALEXIA M. EMMERMANN
13 Hearing Officer
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I have this date served the **ORDER ON MOTION**
3 **REQUESTING EXTENSION OF TIME AND ORDER ON JOINT REQUEST FOR**
4 **CONTINUANCE and PREHEARING ORDER**, in **CAUSE NO. 17.0050**, via electronic
5 mail and by sending a true and correct copy thereof via Certified Mail, Return Receipt
6 Requested, postage prepaid, to the following:

7 Kirk B. Lenhard, Esq.
8 Brownstein Hyatt Farber Schreck, LLP
9 100 North City Parkway, Suite 1600
10 Las Vegas, NV 89106
11 CERTIFIED MAIL NO: 7017 0660 0000 0055 9077
12 E-MAIL: klenhard@bhfs.com

13 Travis F. Chance, Esq.
14 Brownstein Hyatt Farber Schreck, LLP
15 100 North City Parkway, Suite 1600
16 Las Vegas, NV 89106
17 CERTIFIED MAIL NO: 7017 0660 0000 0055 8841
18 E-MAIL: tchance@bhfs.com

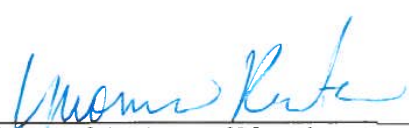
19 and, the originals of the foregoing were hand-delivered to:

20 Alexia M. Emmermann, Esq.
21 Hearing Officer
22 Department of Business and Industry
23 Division of Insurance
24 1818 East College Parkway, Suite 103
25 Carson City, NV 89706

26 and, copies of the foregoing were sent via electronic mail to:

27 Richard Yien, Deputy Attorney General
28 Nevada Attorney General's Office
E-MAIL: ryien@ag.nv.gov

DATED this 22nd day of June, 2017.



Employee of the State of Nevada
Department of Business and Industry
Division of Insurance

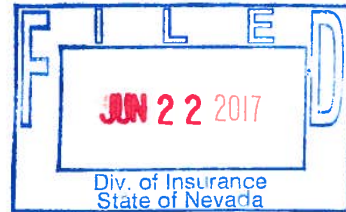
STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE

IN THE MATTER OF

CAUSE NO. 17.0050

HOME WARRANTY ADMINISTRATOR OF
NEVADA, INC. dba CHOICE HOME
WARRANTY,

Respondent.



PREHEARING ORDER

This matter is before Nevada Division of Insurance ("Division") on an Order to Show Cause issued by the Commissioner of Insurance ("Commissioner") on May 11, 2017. A hearing is currently scheduled for August 1, 2017, at 9:00 a.m. at the office of the Division in Carson City.

To provide general guidance to the Parties involved in this matter, the Parties should familiarize themselves with the Division's hearing procedures. Hearings before the Division are conducted in accordance with the Nevada Administrative Procedure Act, Nevada Revised Statutes ("NRS") sections 233B.121 through 233B.150, the Nevada Insurance Code, NRS sections 679B.310 through 679B.370, and Division regulations, Nevada Administrative Code ("NAC") sections 679B.161 through 679B.480.¹ The Parties are **HEREBY INSTRUCTED** as follows:

1. Representation at the Hearing. A party may be represented by an attorney. *See* NAC 679B.311. If a party wishes to be represented by an attorney, that party or attorney must file with the hearing officer a notice of representation by counsel no later than five days before the hearing. NAC 679B.311.2. The notice must include the attorney's name, address, and telephone number and should include the attorney's state bar number and e-mail address. *Id.* Attorneys must comport with all requirements for attorneys appearing as counsel. *See generally* NAC 679B.161 through 679B.490. The Hearing Officer received Home Warranty Administrators of Nevada, Inc.'s ("HWA's") Notice of Representation on June 5, 2017.

¹ Nevada Revised Statutes and Nevada Administrative Code are available online at <http://leg.state.nv.us/Law1.cfm>.

1 2. Communications with the Hearing Officer. To protect against ex parte communications, a
2 party may not correspond directly with the hearing officer. In this matter, all communications with
3 the Hearing Officer should be made through the Hearing Officer's assigned Legal Secretary,
4 **Yvonne Renta (775.687.0706 or yrenta@doi.nv.gov)**, with proper notice of the communication to
5 the opposing party.

6 3. Filings. All filings in this matter must be addressed to and filed with the Commissioner,
7 to the attention of the undersigned Hearing Officer. Filings are to be made at the office of the
8 Division of Insurance, 1818 East College Parkway, Suite 103, Carson City, Nevada 89706.
9 NAC 679B.241.1. For other filing requirements and deadlines, see regulations for practice
10 before the Division, NAC 679B.161 through 679B.490.

11 4. Motions. Motions must be filed with the Hearing Officer and served on all parties, as
12 provided in NAC sections 679B.241 and 679B.250, respectively, no later than ten days before
13 the hearing. NAC 679B.415.3(b). A response to a motion must be filed with the Hearing
14 Officer and served on all parties, as provided in NAC sections 679B.241 and 679B.250,
15 respectively, no later than seven days after receiving the motion. NAC 679B.415.3(c).

16 5. Evidence. Any documents or exhibits proposed to be used in the hearing must be
17 provided to each party before the hearing. NAC 679B.381.1. Rules of evidence are generally
18 relaxed in hearings before the Division; evidence that is irrelevant, immaterial, or unduly
19 repetitious must be excluded. NRS 233B.123.

20 6. Prehearing Practice. The hearing officer may hold a prehearing conference "for the purpose
21 of formulating or simplifying the issues, obtaining admissions of fact and documents which will
22 avoid unnecessary proof, arranging for exchange of proposed exhibits or prepared expert testimony,
23 limiting the number of witnesses and considering other matters which may permit rapid orderly
24 conduct and disposition of the proceedings or settlements thereof." NAC 679B.260. The hearing
25 officer may request that the parties file prehearing statements.

26 ///

27 ///

28 ///

7. Failure to Appear. “Unless otherwise ordered by the hearing officer for good cause shown, the failure of a party . . . to attend a prehearing conference shall be deemed a waiver of any objection to any action taken at the conference and any agreements, admissions or stipulations made by the parties at the conference.” NAC 679B.270.2.

If a party fails to appear at the hearing, the Hearing Officer is authorized to proceed with the hearing without the party or recess the hearing and, in certain circumstances, dismiss the proceeding. NAC 679B.321.

Based on the foregoing, the Parties are **HEREBY ORDERED**:

1. To file prehearing statements **no later than 5:00 p.m. on July 24, 2017**. The prehearing statement should briefly explain the background of the case, the Party's factual allegations, the issues of law, and the Party's position on the issues of law. Unless otherwise requested, prehearing statements should not exceed 10 pages. The prehearing statements are to be provided to the opposing Party when filed as set out above (*see* ¶ 3 Filings).

2. To file all exhibits proposed to be used during the hearing **no later than 5:00 p.m. on July 24, 2017**. The proposed exhibits are to be arranged by exhibit number or letter (e.g., “Exhibit 1” or “Exhibit A”), and each exhibit number or letter should be paginated (e.g., page 1 of 4). The Parties must include an index, or list, of proposed exhibits, as well as a list of the Party’s proposed witnesses, if any. The proposed exhibits are to be provided to the opposing Party when filed as set out above (*see* ¶ 3 Filings).

DATED this 22nd day of June, 2017.


ALEXIA M. EMMERMANN
Hearing Officer

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I have this date served the **ORDER ON MOTION**
3 **REQUESTING EXTENSION OF TIME AND ORDER ON JOINT REQUEST FOR**
4 **CONTINUANCE and PREHEARING ORDER**, in **CAUSE NO. 17.0050**, via electronic
5 mail and by sending a true and correct copy thereof via Certified Mail, Return Receipt
6 Requested, postage prepaid, to the following:

7 Kirk B. Lenhard, Esq.
8 Brownstein Hyatt Farber Schreck, LLP
9 100 North City Parkway, Suite 1600
10 Las Vegas, NV 89106
11 CERTIFIED MAIL NO: 7017 0660 0000 0055 9077
12 E-MAIL: klenhard@bhfs.com

13 Travis F. Chance, Esq.
14 Brownstein Hyatt Farber Schreck, LLP
15 100 North City Parkway, Suite 1600
16 Las Vegas, NV 89106
17 CERTIFIED MAIL NO: 7017 0660 0000 0055 8841
18 E-MAIL: tchance@bhfs.com

19 and, the originals of the foregoing were hand-delivered to:

20 Alexia M. Emmermann, Esq.
21 Hearing Officer
22 Department of Business and Industry
23 Division of Insurance
24 1818 East College Parkway, Suite 103
25 Carson City, NV 89706

26 and, copies of the foregoing were sent via electronic mail to:

27 Richard Yien, Deputy Attorney General
28 Nevada Attorney General's Office
E-MAIL: ryien@ag.nv.gov

DATED this 22nd day of June, 2017.

23 
24 _____
25 Employee of the State of Nevada
26 Department of Business and Industry
27 Division of Insurance
28

7017 0660 0000 0055 9077

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com.

DIV. OF INS. JUN 17 0050 6-22 42

Certified Mail Fee \$
 Extra Services & Fees (check box, add fee as appropriate)
☒ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$ 6.77

Postage \$
 Postmark Here JUN 22 2017

KIRK B. LENHARD, ESQ.
 BROWNSTEIN HYATT FARBER SCHRECK, LLP
 100 NORTH CITY PARKWAY, SUITE 1600
 LAS VEGAS, NV 89106

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

KIRK B. LENHARD, ESQ.
 BROWNSTEIN HYATT FARBER SCHRECK, LLP
 100 NORTH CITY PARKWAY, SUITE 1600
 LAS VEGAS, NV 89106

9590 9402 1828 6104 1707 34

2. Article Number (Transfer from service label)
 7017 0660 0000 0055 9077

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent
☒ Addressee

B. Received by (Printed Name) C. Date of Delivery
 M. Aldridge JUN 26 2017

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	

PS Form 3811, July 2015 PSN 7530-02-000-9053 JUN 17 0050 6-22 42 Domestic Return Receipt

000059

AA000052

7017 0660 0000 0055 8841

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ™.	
DIV. OF INS. <i>677</i>	
Certified Mail fee \$ Extra Services & Fees (check box, add fee as appropriate) <input checked="" type="checkbox"/> Return Receipt (hardcopy) \$ <input type="checkbox"/> Return Receipt (electronic) \$ <input type="checkbox"/> Certified Mail Restricted Delivery \$ <input type="checkbox"/> Adult Signature Required \$ <input type="checkbox"/> Adult Signature Restricted Delivery \$	Postmark Here
Postage TRAVIS F. CHANCE, ESQ. BROWNSTEIN HYATT FARBER SCHRECK, LLP 100 NORTH CITY PARKWAY, SUITE 1600 LAS VEGAS, NV 89106	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION <ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	COMPLETE THIS SECTION ON DELIVERY A. Signature <input checked="" type="checkbox"/> Agent <i>CM. [Signature]</i> <input type="checkbox"/> Addressee B. Received by (Printed Name) <i>M. Abridge</i> C. Date of Delivery <i>JUN 26 2017</i> D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
1. Article Addressed to: TRAVIS F. CHANCE, ESQ. BROWNSTEIN HYATT FARBER SCHRECK, LLP 100 NORTH CITY PARKWAY, SUITE 1600 LAS VEGAS, NV 89106 9590 9402 1828 6104 1707 10	3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery
2. Article Number (Transfer from service label) 7017 0660 0000 0055 8841	Domestic Return Receipt

000060

AA000053

1 KIRK B. LENHARD, ESQ., Nevada Bar No. 1437
klenhard@bhfs.com
2 TRAVIS F. CHANCE, ESQ., Nevada Bar No. 13800
tchance@bhfs.com
3 BROWNSTEIN HYATT FARBER SCHRECK, LLP
100 North City Parkway, Suite 1600
4 Las Vegas, NV 89106-4614
Telephone: 702.382.2101
5 Facsimile: 702.382.8135

6 LORI GRIFA, ESQ., NJ Bar No. 011551989
lgrifa@archerlaw.com
7 ARCHER & GREINER, P.C.
Court Plaza South, West Wing
8 21 Main Street, Suite 353
Hackensack, NJ 07601
9 Telephone: 201.342.6000
Facsimile: 201.342.6611

10 *Attorneys for Respondent Home Warranty*
11 *Administrator of Nevada, Inc. dba Choice Home*
12 *Warranty*

13 STATE OF NEVADA
14 DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE

15 IN THE MATTER OF:

CAUSE NO.: 17.0050

16 HOME WARRANTY ADMINISTRATOR
OF NEVADA, INC. dba CHOICE HOME
17 WARRANTY

18 Respondent.

**MOTION FOR PRE-HEARING
DEPOSITION SUBPOENAS OR, IN THE
ALTERNATIVE, APPLICATION FOR
HEARING SUBPOENAS AND
APPLICATION FOR SUBPOENA DUCES
TECUM**

21 Pursuant to NAC 679B.415 and NAC 679B.280, Respondent HOME WARRANTY
22 ADMINISTRATOR OF NEVADA, INC. d/b/a Choice Home Warranty, by and through its
23 attorneys of record Kirk B. Lenhard, Esq. and Travis F. Chance, Esq., of the law firm of
24 Brownstein Hyatt Farber Schreck, LLP, and Lori Grifa, Esq., of the law firm of Archer &
25 Greiner, P.C., hereby moves this tribunal for leave to conduct fourteen pre-hearing depositions,
26 and issuance of subpoenas therefore, or, in the alternative, applies to this Court for fourteen
27 hearing subpoenas, as well as a subpoena *duces tecum*, as set forth more fully herein (the
28 "Motion").



1 This Motion is made and based upon the papers on file herein, the attached Memorandum
2 of Points and Authorities, and any oral arguments of counsel that this tribunal shall choose to
3 consider.

4 DATED this 14th day of July, 2017.

5 BROWNSTEIN HYATT FARBER SCHRECK, LLP

6
7 BY: 

KIRK B. LENHARD, ESQ., Nevada Bar No. 1437
klenhard@bhfs.com

8 TRAVIS F. CHANCE, ESQ., Nevada Bar No. 13800
tchance@bhfs.com

9 LORI GRIFA, ESQ., NJ Bar No. 011551989
lgrifa@archerlaw.com

10
11 *Attorneys for Respondent Home Warranty*
12 *Administrator of Nevada, Inc. dba Choice Home*
13 *Warranty*

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Home Warranty Administrator of Nevada, Inc. (“HWAN”) has been a registered service contract provider in the State of Nevada since 2010. HWAN is a duly organized legal entity, wholly owned and operated by Victor Mandalawi. HWAN is not the same legal entity as CHW Group or Choice Home Warranty, and it never has been.¹

On May 9, 2017, the Division of Insurance (“Division”), through the Nevada Attorney General, filed a Complaint and Application for Order to Show Cause against HWAN. The Complaint alleged, *inter alia*,

- That HWAN unlawfully and knowingly made “false entries of a material fact in any book, report, or statement of any person or knowingly omit to make a true entry of any material fact pertaining to such person’s business in any book, report, or statement of such person” in violation of NRS 686A.070, in that Victor Mandalawi made false entries of material fact in each of HWAN’s renewal applications in the years 2011, 2012, 2014 and 2015;
- That HWAN failed to communicate with policyholders and inappropriately denied claims of consumers by “failing to acknowledge and act reasonably promptly upon communications with respect to claims arising under insurance policies” in violation of NRS 686A.310(1)(b);
- That HWAN conducted business in an unsuitable manner in violation of NRS 679.125(2);
- That HWAN engaged in unfair and deceptive trade practices in violation of NRS 686A.170; and
- That HWAN failed to make available for inspection accounts, books and records concerning any service contract issued, sold or offered pursuant to NRS 690C.320.

Until the Division’s May 9, 2017 Complaint, HWAN operated in good standing and had never received a citation or demand from the Division regarding the manner in which it does business. Indeed, its Certificate of Registration was renewed annually without inquiry or incident.²

¹ HWAN is not Choice Home Warranty. Nevertheless, the Division’s Complaint consistently and repeatedly comingles the identity of the two companies in an inappropriate way. We are left to believe this in artful pleading is done by choice, presumably to create a tactical advantage, but there is simply no factual basis for doing so.

² The Division contends that it did request information on the number of open service contracts through its employee Mary Strong during her review of HWAN’s 2016-2017 renewal application, via e-mail. However, HWAN never received this e-mail and, in any event, that request did not specifically relate to HWAN’s business practices.

1 The Division issued an Order to Show Cause on May 11, 2017, setting a hearing in this
2 matter before a Hearing Officer on June 28, 2017. Additionally, the Division issued a Subpoena
3 *Duces Tecum* on May 11, 2017, requesting a voluminous amount of documents from HWAN.
4 After two extensions of time to respond to the subpoena and after disclosing some requested
5 documents, HWAN provided all responsive documents in its possession on June 28, 2017. To
6 date, HWAN has produced in excess of 70,000 pages of documents.

7 The parties also made a joint request to reset the hearing date, which the Division granted
8 by order filed June 22, 2017. The new hearing date is currently set for August 1, 2017. In
9 preparing for the upcoming hearing, HWAN requires certain testimony of Division officials and
10 documents in the possession of the Division, as such evidence directly relates to and impacts the
11 resolution of the allegations in this proceeding. Therefore, HWAN brings the instant request.

12 **II. DISCUSSION**

13 **A. Legal Standard**

14 NAC 679B.415(1) allows any party to move this tribunal for an order by the hearing
15 officer granting relief. NAC 679B.280(1) allows for either party to make a written request to the
16 hearing officer for a subpoena of witnesses to be presented at the hearing. Any request for a
17 hearing subpoena must be supported by the reasons for which the witness is needed. Additionally,
18 NAC 679B.415(2) further provides that a hearing officer “may issue a subpoena *duces tecum* after
19 a written request which specifies as clearly as possible, the books, papers, accounts or other
20 documents desired.” Here, there is good cause to allow HWAN to conduct fourteen pre-hearing
21 depositions or, alternatively, for fourteen hearing subpoenas to issue. There is also good cause to
22 issue the subpoena *duces tecum* requested below, as the documents sought are highly relevant to
23 the issues to be resolved at the hearing.

24 **B. Request for Pre-Hearing Deposition Subpoenas, or, alternatively, Hearing** 25 **Subpoenas**

26 As is set forth above, one of the main allegations against HWAN is that HWAN made a
27 knowingly false representation on its 2015-2016 renewal application. The Division contends that
28 this conduct violated NRS 686A.070, which prohibits HWAN from “knowingly mak[ing] or

1 caus[ing] to be made any false entry of a material fact in any book, report or statement of any
2 person or knowingly omit to make a true entry of any material fact pertaining to such person's
3 business in any book, report or statement of such person." In order to show that it lacked the
4 requisite intent in making the challenged statement, HWAN desires to depose, or alternatively,
5 examine at the hearing of this matter, Division personnel in two areas: (a) annual renewal of
6 certificates of registration; and (b) supervision of company business practices and operations, as
7 follows:

8 **(a) Annual renewal of certificates of registration between 2011 to 2017 (inclusive):**

9 HWAN seeks a pre-hearing deposition, or, alternatively, a subpoena to compel the appearance at
10 the hearing of this matter, of the following individuals:

- 11 • The Division's person most knowledgeable as to the creation of the annual
- 12 renewal application forms;
- 13 • Derrick Dennis;
- 14 • Dolores Bennett;
- 15 • Martin Reis; and
- 16 • Mary Strong.

17 Upon information and belief, as well as a reasonable inquiry into HWAN's records, all of
18 the aforesaid individuals had specific interactions with HWAN personnel and have actual
19 knowledge of the issues pertaining the HWAN's annual renewals.

20 **(b) Supervision of Company Business Practices and Operations and Handling of**

21 **Complaints:** HWAN seeks a pre-hearing deposition, or, alternatively, a subpoena to compel the
22 appearance at the hearing of this matter, of the following individuals:

- 23 • The Division's person most knowledgeable as to the Division's notice of alleged
- 24 violations, citations, and/or fines in other states, as alleged in the Division's
- 25 Complaint;
- 26 • Mary Strong;
- 27 • Chloe Stewart;
- 28 • Linda Stratton;
- Kim Kuhlman;
- Vincent Capitini;
- Sanja Samardzija;
- Vicki Folster; and
- Geoffrey Hunt

1 Upon information and belief, as well as a reasonable inquiry into HWAN's records, all of
2 the aforesaid individuals had specific interactions with HWAN personnel and have actual
3 knowledge of the issues pertaining the HWAN's business operations and how it handled
4 complaints. Specifically, the foregoing individuals were involved in examining, forwarding, and
5 monitoring complaints made to the Division against HWAN.

6 The testimony of these witnesses is highly important, as it will directly impact whether the
7 Division can prove any of the allegations set forth above. Alternatively, it will establish the
8 manner in which HWAN does and did business in the State of Nevada and the fair and reasonable
9 manner in which HWAN treats Nevada consumers.

10 Additionally, the Division also contends that HWAN failed or refused to make available
11 for inspection its accounts, books and records concerning its Nevada business contracts by failing
12 to respond to an email request purportedly sent by Mary Strong on or about February 1, 2017, in
13 violation of NRS 690C.320(2). The Division contends that this request for information went
14 unanswered, *see* Compl. at 6, § 10, while HWAN contends that the February 1, 2017 e-mail was
15 not received. HWAN further contends that in the absence of any mailed copy or telephonic
16 inquiry, HWAN had no way of knowing of the Division's request and that any failure to answer
17 the request was unintentional.

18 Due to the importance of this testimony, it is clear that the ability to conduct these pre-
19 hearing depositions is critical to establishing HWAN's defense in this case and affording HWAN
20 due process. *See Dutchess Bus. Servs., Inc. v. Nev. State Bd. of Pharmacy*, 124 Nev. 701, 714,
21 191 P.3d 1159, 1168 (noting that "due process guarantees of fundamental fairness still apply" to
22 administrative proceedings). The role of this testimony in affording HWAN its due process
23 guarantees constitutes good cause to allow HWAN to conduct the pre-hearing depositions.
24 Moreover, it is also critical to establish that HWAN did not intentionally fail to respond to Ms.
25 Strong's e-mail to prevent a finding that HWAN has engaged in bad faith with regard to the
26 Division's requests. Alternatively, even if this tribunal finds there is insufficient good cause to
27 allow the pre-hearing depositions, there is clearly good cause to issue hearing subpoenas to the
28 individuals described above.

1 **C. Request for Issuance of Subpoena Duces Tecum**

2 In addition to the foregoing witness subpoenas, HWAN also requires the issuance of a
3 subpoena *duces tecum* for the production of certain documents. Specifically, HWAN requires:

- 4 • Any documents and/or communications, written, recorded or electronic, other than
5 those protected by the attorney-client privilege, in the possession of the Division
6 relating to the decision to file the Complaint and Application for Order to Show
7 Cause;
- 8 • Any documents and/or communications, written, recorded or electronic, other than
9 those protected by the attorney-client privilege, in the possession of the Division
10 relating to the allegations in the Complaint and Application for Order to Show
11 Cause, including documents related to the underlying investigation and charging
12 decisions made in this matter;
- 13 • Any documents and/or communications, written, recorded or electronic, other than
14 those protected by the attorney-client privilege, in the possession of the Division
15 proving service and receipt of the Division's request relating to the allegations in
16 the Complaint and Application for Order to Show Cause, including documents
17 related to the underlying investigation and charging decisions made in this matter;
- 18 • Copies of the HWAN's original application for registration with the Division as
19 well as all annual applications for renewal submitted by HWAN; and
- 20 • Any documents and/or communications, written, recorded or electronic, other than
21 those protected by the attorney-client privilege, in the possession of the Division
22 proving service and receipt of Mary Strong's e-mail dated February 1, 2017
23 (attached hereto as **Exhibit A**), including, but not limited to, any read receipts,
24 delivery receipts, or other proof that the e-mail was sent, received, and read.

25 There is good cause to issue the request for a subpoena *duces tecum* because the
26 documents requested directly relate to the evidence in the possession of the Division that
27 underlies its complaints against HWAN. In that regard, the requested documents are also critical
28 to establishing HWAN's defense prior to the hearing by allowing HWAN to know the evidence
against it. *See Dutchess, supra*. Therefore, a subpoena *duces tecum* as requested herein should
issue.

29 **III. CONCLUSION**

30 Based upon the foregoing, there is good cause to allow HWAN to conduct fourteen pre-
31 hearing depositions in this case and HWAN respectfully requests the instant Motion be granted
32 and that fourteen deposition subpoenas be issued. Alternatively, HWAN requests that fourteen

1 subpoenas be issued to the individuals identified above for their presence and testimony at the
2 hearing in this matter. HWAN further requests that a subpoena *duces tecum* be issued for
3 production of the documents identified herein.³

4 To the extent the Division is unable to provide responsive documents or make its
5 employees available for depositions within the time frame provided by the Scheduling Order in
6 this matter, HWAN will consent to an adjournment of the hearing date to accommodate the same.

7 DATED this 14th day of July, 2017.

8 BROWNSTEIN HYATT FARBER SCHRECK, LLP

9
10 BY: 

KIRK B. LENHARD, ESQ., Nevada Bar No. 1437

klenhard@bhfs.com

11 TRAVIS F. CHANCE, ESQ., Nevada Bar No. 13800

tchance@bhfs.com

12 LORI GRIFA, ESQ., NJ Bar No. 011551989

lgrifa@archerlaw.com

13
14 *Attorneys for Respondent Home Warranty*
15 *Administrator of Nevada, Inc. dba Choice Home*
16 *Warranty*

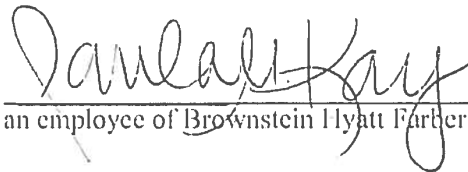
17
18
19
20
21
22
23
24
25
26
27
28 ³ HWAN will promptly provide draft subpoenas for execution by the hearing officer upon resolution of the instant Motion and after a determination is had as to what types of subpoenas will issue.

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Brownstein Hyatt Farber Schreck, LLP, and that on the 14th day of July, 2017, I caused a true and correct copy of the foregoing **MOTION FOR PRE-HEARING DEPOSITION SUBPOENAS OR, IN THE ALTERNATIVE, APPLICATION FOR HEARING SUBPOENAS AND APPLICATION FOR SUBPOENA DUCES TECUM** to be served, U.S. Mail, postage prepaid, and via electronic mail, to the following:

ALEXIA M. EMMERMANN, ESQ.
Hearing Office
Department of Business and Industry
Division of Insurance
1818 East College Parkway, Suite 103
Carson City, NV 89706
Email: fcasci@doi.nv.gov

ADAM PAUL LAXALT, ESQ.
ATTORNEY GENERAL
RICHARD YIEN, Deputy Attorney General
Nevada Attorney General's Office
100 North Carson Street
Carson City, NV 89701-4717
Email: ryien@ag.nv.gov



an employee of Brownstein Hyatt Farber Schreck, LLP

212864670v1

EXHIBIT A

EXHIBIT A

000073

AA000063

From: Mary Strong
Sent: Wednesday, February 01, 2017 3:24 PM
To: 'vmandalawi@homewarrantyadministrators.com'
Cc: Rajat Jain; Timothy Ghan
Subject: State of Nevada Service Contract Provider Application - Renewal

Dear Mr. Mandalawi,

The Division of Insurance is in the process of reviewing the Renewal Application for Home Warranty Administrators of Nevada, Inc. dba Choice Home Warranty.

To expedite our review, the Division is requesting that you provide the number of open service contracts for Home Warranty Administrators of Nevada, Inc. dba Choice Home Warranty.

Please provide the following information in Excel format for each open contract:

Name
Address
City, State and Zip
Policy purchase Date
Amount of Contract
Contract Expiration Date

Please provide the requested information by February 9, 2017.

Sincerely,

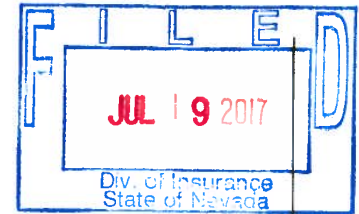
Mary Strong
Management Analyst III
Property & Casualty Section
Nevada Division of Insurance
1818 E. College Pkwy Suite 103
Carson City, NV 89706-7986
(775) 687-0763 direct
(775) 687-0700 main
(775) 687-0787 fax

CONFIDENTIALITY STATEMENT:

This e-mail and any attachments are intended only for those to which it is addressed and may contain information which is privileged, confidential and prohibited from disclosure and unauthorized use under applicable law. If you are not the intended recipient of this e-mail, you are hereby notified that any use, dissemination, or copying of this e-mail or the information contained in this e-mail is strictly prohibited by the sender. If you have received this transmission in error, please return the material received to the sender and delete all copies from your system.

000074

AA000064



STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE

IN THE MATTER OF) CAUSE NO. 17.0050
)
HOME WARRANTY ADMINISTRATOR) SECOND APPLICATION FOR
OF NEVADA, INC. dba CHOICE HOME) SUBPOENA DUCES TECUM
WARRANTY)
)
Respondent.)

The State of Nevada, Department of Business and Industry, Division of Insurance ("Division"), by and through its counsel, Deputy Attorney General Richard Paili Yien, and pursuant to Nevada Revised Statutes ("NRS") 679B.340 and Nevada Administrative Code ("NAC") 679B.280, hereby applies for the issuance of a subpoena deces tecum to HOME WARRANTY ADMINISTRATOR OF NEVADA, INC. dba CHOICE HOME WARRANTY ("CHW") in order to provide documents containing the following information:

Copies of all bank account statements and documents for the past twelve months for CHW's reserve account as required by NRS 690C.170(2).

POINTS AND AUTHORITIES

A. REASON FOR REQUEST

The Division filed a Complaint and Application for Order to Show Cause in this matter on May 8, 2017. The Complaint alleges various violations of the NRS. The information identified helps the Division assess the severity of and address the alleged violations. The information therefore is relevant to the instant matter. The Division previously requested this information but did not receive the specific bank statements requested.

B. LEGAL SUMMARY


NRS 679B.340(1) provides that "[t]he Commissioner or any individual conducting a hearing . . . by the authority of the Commissioner shall have power to . . . require the production of any books, papers, records, correspondence or other documents which the Commissioner or the individual conducting the hearing, examination or investigation deems relevant to the inquiry." Subpoenas issued

1 pursuant to NRS 679B.340 "have the same force and effect and shall be served in the same manner as if
2 issued from a court of record." NRS 679B.340(2).

3 This application is properly before the Hearing Officer pursuant to NRS 679B.340 and NAC
4 679B.280. The Division's case may be prejudiced if the attached subpoena is not issued.

5 Therefore, the Division respectfully requests that the Hearing Officer issue the attached
6 subpoena requiring the documents stated above to be provided to the Nevada Division of Insurance.

7 DATED this 19th day of July, 2017.

8
9 
10 RICHARD PAILI YIEN
11 Deputy Attorney General
12 100 N. Carson Street
13 Carson City, Nevada 89701
14 (775) 684-1129
15 *Attorney for the Division of Insurance*
16
17
18
19
20
21
22
23
24
25
26
27
28

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE

IN THE MATTER OF) CAUSE NO. 17.0050
)
HOME WARRANTY ADMINISTRATOR) SUBPOENA DUCES TECUM
OF NEVADA, INC. dba CHOICE HOME)
WARRANTY)
)
Respondent.)
_____)

The State of Nevada, Department of Business and Industry, Division of Insurance ("Division"),
sends greetings to:

HOME WARRANTY ADMINISTRATOR OF NEVADA, INC.
dba CHOICE HOME WARRANTY

WE COMMAND YOU, pursuant to Nevada Revised Statutes ("NRS") 679B.340 and Nevada
Administrative Code ("NAC") 679B.280, to present to the Division, no later than
_____, to the offices of the Division, for examination by the Division, copies of all
bank account statements and documents for the past twelve months for CHW's reserve account as
required by NRS 690C.170(2).

Failure to do so could be deemed a violation of NRS 679B.340, said violation being a
misdemeanor, subjecting the violator to such action or sanctions as determined by an appropriate
court of law.

SO ORDERED this _____ day of _____ 2017.

ALEXIA M. EMMERMANN, Esq.
Hearing Officer

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I have this date served the **SECOND APPLICATION FOR**
3 **SUBPOENA DUCES TECUM**, in **CAUSE NO. 17.0050**, via electronic mail and by sending a
4 true and correct copy thereof via Certified Mail, Return Receipt Requested, postage prepaid, to
5 the following:

6 Kirk B. Lenhard, Esq.
7 Brownstein Hyatt Farber Schreck, LLP
8 100 North City Parkway, Suite 1600
9 Las Vegas, NV 89106
10 CERTIFIED MAIL NO: 7015 1660 0000 1904 1715
11 E-MAIL: klenhard@bhfs.com

12 Travis F. Chance, Esq.
13 Brownstein Hyatt Farber Schreck, LLP
14 100 North City Parkway, Suite 1600
15 Las Vegas, NV 89106
16 CERTIFIED MAIL NO: 7015 1660 0000 1904 1722
17 E-MAIL: tchance@bhfs.com

18 Lori Grifa, Esq.
19 Archer & Greiner, P.C.
20 Court Plaza South, West Wing
21 21 Main Street, Suite 353
22 Hackensack, NJ 07601
23 CERTIFIED MAIL NO. 7015 1660 0000 1904 1739
24 E-MAIL: lgrifa@archerlaw.com

25 and, the originals of the foregoing were hand-delivered to:

26 Alexia M. Emmermann, Esq.
27 Hearing Officer
28 Department of Business and Industry
Division of Insurance
1818 East College Parkway, Suite 103
Carson City, NV 89706

and, copies of the foregoing were sent via electronic mail to:

Richard Yien, Deputy Attorney General
Nevada Attorney General's Office
E-MAIL: ryien@ag.nv.gov

DATED this 19th day of July, 2017.



Employee of the State of Nevada
Department of Business and Industry
Division of Insurance

7015 1660 0000 1904 1722

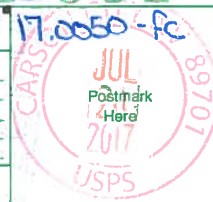
U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

ODIV. OF INS. USE

Certified Mail Fee \$
 Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage \$ 4.56



TRAVIS F. CHANCE, ESQ.
 BROWNSTEIN HYATT FARBER SCHRECK, LLP
 100 NORTH CITY PARKWAY, SUITE 1600
 LAS VEGAS NV 89106

tions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

TRAVIS F. CHANCE, ESQ.
 BROWNSTEIN HYATT FARBER SCHRECK, LLP
 100 NORTH CITY PARKWAY, SUITE 1600
 LAS VEGAS NV 89106



9590 9402 2940 7094 9277 88

2 Article Number (Transfer from service label)
 7015 1660 0000 1904 1722

COMPLETE THIS SECTION ON DELIVERY

A. Signature [Signature] ☐ Agent ☐ Addressee
 B. Received by (Printed Name) _____ C. Date of Delivery JUL 24 2017

Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature ☐ Priority Mail Express®
☐ Adult Signature Restricted Delivery ☐ Registered Mail™
☐ Certified Mail® ☐ Registered Mail Restricted Delivery
☐ Certified Mail Restricted Delivery ☐ Return Receipt for Merchandise
☐ Collect on Delivery ☐ Signature Confirmation™
☐ Collect on Delivery Restricted Delivery ☐ Signature Confirmation Restricted Delivery
☐ Insured Mail ☐ Signature Confirmation Restricted Delivery (over \$500)

PS Form 3811, July 2015 PSN 7530-02-000-9053

17.0050-fc

Domestic Return Receipt

7015 1660 0000 1904 1739

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

ODIV. OF INS. USE

Certified Mail Fee \$
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$
Postage \$ 6.56
Total \$

LORI GRIFA ESQ
ARCHER & GREINER, PC
COURT PLAZA SOUTH, WEST WING
21 MAIN STREET SUITE 353
HACKENSACK NJ 07601

Postmark Here
USPS

for Instructions

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		<p>A. Signature X <u>Joseph Talento</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Joseph Talento</u> C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below:</p>	
<p>LORI GRIFA ESQ ARCHER & GREINER, PC COURT PLAZA SOUTH, WEST WING 21 MAIN STREET SUITE 353 HACKENSACK NJ 07601</p> <p>9590 9402 2940 7094 9277 95</p> <p>2. Article Number (Transfer from service label) 7015 1660 0000 1904 1739</p>		<p>3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p> <p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
PS Form 3811, July 2015 PSN 7530-02-000-9053		Domestic Return Receipt	

7015 1660 0000 1904 1715

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

U.S. MAIL

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$
- ☐ Return Receipt (electronic) \$
- ☐ Certified Mail Restricted Delivery \$
- ☐ Adult Signature Required \$
- ☐ Adult Signature Restricted Delivery \$

Postage

\$

6.56



KIRK B LENHARD, ESQ.
 BROWNSTEIN HYATT FARBER SCHRECK, LLP
 100 NORTH CITY PARKWAY, SUITE 1600
 LAS VEGAS NV 89106

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

KIRK B LENHARD, ESQ.
 BROWNSTEIN HYATT FARBER SCHRECK, LLP
 100 NORTH CITY PARKWAY, SUITE 1600
 LAS VEGAS NV 89106

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

JUL 24 2017

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No



9590 9402 2940 7094 9277 71

2. Article Number (Transfer from service label)

7015 1660 0000 1904 1715

PS Form 3811, July 2015 PSN 7530-02-000-9053

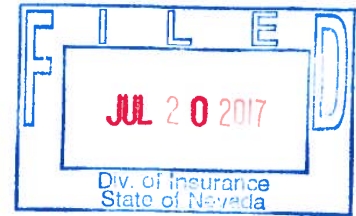
3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

17-0050-FC




STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE

IN THE MATTER OF) CAUSE NO. 17.0050
)
HOME WARRANTY ADMINISTRATOR) REQUEST TO CONTINUE
OF NEVADA, INC. dba CHOICE HOME) HEARING
WARRANTY)
)
Respondent.)
_____)

REQUEST TO CONTINUE HEARING

The State of Nevada, Department of Business and Industry, Division of Insurance ("Division"), by and through its counsel, Deputy Attorney General RICHARD PAILI YIEN file this Request to Continue Hearing. A hearing on this matter is scheduled for August 1, 2017 with Pre-Hearing Statements due on July 24, 2017. The Division and Respondent have both filed pending applications for subpoenas and Respondent has requested pre-hearing depositions. The Division intends on filing a non-opposition to Respondents application for subpoenas duces tecum and needs time to gather documents to comply with the anticipated granting of Respondent's application. Additionally, the Division is responding to a public records request filed by Respondent's counsel, requesting documents related to this matter. As such, the Division submits this Request to Continue Hearing and postpone the July 24, 2017 deadline to submit pre-hearing statements. Respondents have consented to adjournment of the hearing¹.

DATED this 20th day of June 2017


RICHARD PAILI YIEN, ESQ.
Deputy Attorney General
Attorney for the Division of Insurance

¹ "To the extent the Division is unable to provide responsive documents or make its employees available for depositions within the time frame provided by the Scheduling Order in this matter, HWAN will consent to an adjournment of the hearing date to accommodate the same." July 14, 2017 Motion for Pre-Hearing Deposition...

[illegible]

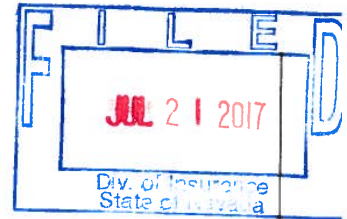
Kirk B. Lenhard, Esq.
Brownstein Hyatt Farber Schreck, LLP
100 North City Parkway, Suite 1600
Las Vegas, NV 89106
E-MAIL: klenhard@bhfs.com

Lori Grifa, Esq.
Archer & Greiner, P.C.
Court Plaza South, West Wing
21 Main Street, Suite 353
Hackensack, NJ 07601
E-MAIL: lgrifa@archerlaw.com

Alexia M. Emmermann, Esq.
Hearing Officer
Department of Business and Industry
Division of Insurance
1818 East College Parkway, Suite 103
Carson City, NV 89706

Richard Yien, Deputy Attorney General
Nevada Attorney General's Office
E-MAIL: ryien@ag.nv.gov

Robin Beebe
Employee of the State of Nevada
Department of Business and Industry
Division of Insurance



STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE

IN THE MATTER OF) CAUSE NO. 17.0050
)
HOME WARRANTY ADMINISTRATOR) LIMITED OPPOSITION TO MOTION FOR
OF NEVADA, INC. dba CHOICE HOME) PRE-HEARING DEPOSITION SUBPOENAS
WARRANTY) OR IN THE ALTERNATIVE APPLICATION
) FOR HEARING SUBPOENAS AND APPLI-
Respondent.) CATION FOR SUBPOENA DUCES TECUM

The State of Nevada, Department of Business and Industry, Division of Insurance ("Division"), by and through its counsel, Deputy Attorney General Richard Paili Yien, and pursuant to Nevada Revised Statutes ("NRS") 233B.121 and Nevada Administrative Code ("NAC") 679B.415, hereby files this LIMITED OPPOSITION TO MOTION FOR PRE-HEARING DEPOSITION SUBPOENAS OR, IN THE ALTERNATIVE, APPLICATION FOR HEARING SUBPOENAS AND APPLICATION FOR SUBPOENA DUCES TECUM.

POINTS AND AUTHORITIES

A. LIMITED OPPOSITION TO PRE-HEARING DEPOSITION SUBPOENAS AND APPLICATION FOR HEARING SUBPOENAS

NRS 233B.123(1) requires unduly repetitious evidence be excluded. Respondent has requested the issuance of fourteen subpoenas¹ to obtain information about annual renewal of certificates of registration and the supervision of company business practices and operations and handling of complaints.² The Division already intends to call some of the named individuals to testify against Respondents at the hearing currently scheduled for August 1, 2017. Respondents would be able to cross-examine these witnesses and attain the information they seek. Of the fourteen individuals, four are no longer employed by the Division. The Division opposes the issuance of subpoenas for these

¹ Respondents request the issuance of subpoenas of the following individuals: 1) The Division's person most knowledgeable as to the creation of the annual renewal application forms, 2) Derick Dennis, 3) Dolores Bennett, 4) Martin Reis, 5) Mary Strong, 6) The Division's person most knowledgeable as to the Division's notice of alleged violations, citations, and/or fines in other states, as alleged in the Division's Complaint, 7) Mary Strong, 8) Chloe Stewart, 9) Linda Stratton, 10) Kim Kuhlman, 11) Vincent Capitini, 12) Sanja Samardzija, 13) Vicki Folster, and 14) Geoffrey Hunt. *Motion for Pre-Hearing Deposition Subpoenas or, in the alternative, Application for Hearing Subpoenas, and Application for Subpoena Duces Tecum*, page 5, lines 11-27


² *Id.* at page 5, lines 5-6

1 former employees because the Division has no authority to compel those individuals to partake in
2 depositions and/or at the hearing. Those former employees are Dolores Bennett, Vincent Capitini,
3 Martin Reis, and Sanja Samardzija. The testimony, alone, of "The Division's person most
4 knowledgeable as to the creation of the annual renewal application forms," and "The Division's person
5 most knowledgeable as to the Division's notice of alleged violations, citations, and/or fines in other
6 states, as alleged in the Division's Complaint," (collectively "Most Knowledgeable Persons") suffices
7 to provide Respondent with the information they seek. Both Most Knowledgeable Persons will be
8 present at the hearing and available to Respondents for cross-examination and are able to provide
9 testimony about the annual renewal of certificates of registration and information about the supervision
10 of company business practices and operations and handling of complaints (the information Respondent
11 seeks). To the extent that Respondents believe they still require, in addition to the Most
12 Knowledgeable Persons, the testimony of the remaining individuals, the Division requests that the
13 hearing officer require Respondents to specify that information about what each individual could
14 potentially provide that the Most Knowledgeable Persons cannot. The Division requests the hearing
15 officer consider whether the information sought by Respondent for each individual is unduly repetitious
16 and to deny subpoenas to those individuals if so.

17 **B. NO OPPOSITION TO APPLICATION FOR SUBPOENA DUCES TECUM**

18 The Division intends to provide Respondents all non-privileged documents related to this case
19 and hereby files a notice of non-opposition to Respondent's application for subpoena duces tecum.
20 Respondents have also requested overlapping documents through a public records request. The
21 Division intends to comply with the records request and provide those documents.

22 DATED this 21st day of July, 2017.

23 
24 RICHARD PAILI YIEN
25 Deputy Attorney General
26 100 N. Carson Street
27 Carson City, Nevada 89701
28 (775) 684-1129
Attorney for the Division of Insurance

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I have this date served the **LIMITED OPPOSITION TO**
3 **MOTION FOR PRE-HEARING DEPOSITION SUBPOENAS OR IN THE**
4 **ALTERNATIVE APPLICATION FOR HEARING SUBPOENAS AND APPLICATION**
5 **FOR SUBPOENA DUCES TECUM, in CAUSE NO. 17.0050, via electronic mail and by first**
6 class mail to the following:

7 Kirk B. Lenhard, Esq.
8 Brownstein Hyatt Farber Schreck, LLP
9 100 North City Parkway, Suite 1600
10 Las Vegas, NV 89106
11 E-MAIL: klenhard@bhfs.com

12 Travis F. Chance, Esq.
13 Brownstein Hyatt Farber Schreck, LLP
14 100 North City Parkway, Suite 1600
15 Las Vegas, NV 89106
16 E-MAIL: tchance@bhfs.com

17 Lori Grifa, Esq.
18 Archer & Greiner, P.C.
19 Court Plaza South, West Wing
20 21 Main Street, Suite 353
21 Hackensack, NJ 07601
22 E-MAIL: lgrifa@archerlaw.com

23 and, the originals of the foregoing were hand-delivered to:

24 Alexia M. Emmermann, Esq.
25 Hearing Officer
26 Department of Business and Industry
27 Division of Insurance
28 1818 East College Parkway, Suite 103
Carson City, NV 89706

and, copies of the foregoing were sent via electronic mail to:

Richard Yien, Deputy Attorney General
Nevada Attorney General's Office
E-MAIL: ryien@ag.nv.gov

DATED this 21st day of July, 2017.



Employee of the State of Nevada
Department of Business and Industry
Division of Insurance

KIRK B. LENHARD, ESQ., Nevada Bar No. 1437
klenhard@bhfs.com
TRAVIS F. CHANCE, ESQ., Nevada Bar No. 13800
tchance@bhfs.com
BROWNSTEIN HYATT FARBER SCHRECK, LLP
100 North City Parkway, Suite 1600
Las Vegas, NV 89106-4614
Telephone: 702.382.2101
Facsimile: 702.382.8135



LORI GRIFA, ESQ., NJ Bar No. 011551989
lgrifa@archerlaw.com
ARCHER & GREINER, P.C.
21 Main Street, Suite 353
Hackensack, NJ 07601
Telephone: 201.342.6000
Facsimile: 201.342.6611

Attorneys for Respondent

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE

IN THE MATTER OF:

CAUSE NO.: 17.0050

HOME WARRANTY ADMINISTRATOR
OF NEVADA, INC. dba CHOICE HOME
WARRANTY

**NOTICE OF NO OPPOSITION TO
REQUEST TO CONTINUE HEARING**

Respondent.

Respondent HOME WARRANTY ADMINISTRATOR OF NEVADA, INC. d/b/a Choice Home Warranty, by and through its attorneys of record Kirk B. Lenhard, Esq. and Travis F. Chance, Esq., of the law firm of Brownstein Hyatt Farber Schreck, LLP, and Lori Grifa, Esq., of the law firm of Archer & Greiner, P.C., hereby provides notice that it has no opposition to the Division's Request to Continue Hearing, filed on July 20, 2017.

DATED this 21st day of July, 2017.

BROWNSTEIN HYATT FARBER SCHRECK, LLP

BY:

KIRK B. LENHARD, ESQ., Nevada Bar No. 1437
TRAVIS F. CHANCE, ESQ., Nevada Bar No. 13800
LORI GRIFA, ESQ., NJ Bar No. 011551989

Attorneys for Respondent

CERTIFICATE OF SERVICE

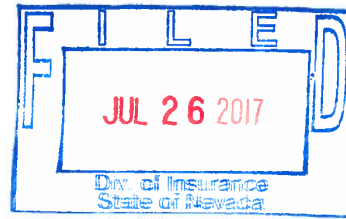
I hereby certify that I am an employee of Brownstein Hyatt Farber Schreck, LLP, and that on the 21st day of July, 2017, I caused a true and correct copy of the foregoing **NOTICE OF NO OPPOSITION TO REQUEST TO CONTINUE HEARING** to be served, U.S. Mail, postage prepaid, and via electronic mail, to the following:

ALEXIA M. EMMERMANN, ESQ.
Hearing Office
Department of Business and Industry
Division of Insurance
1818 East College Parkway, Suite 103
Carson City, NV 89706
Email: yrenta@doi.nv.gov

ADAM PAUL LAXALT, ESQ.
ATTORNEY GENERAL
RICHARD YIEN, Deputy Attorney General
Nevada Attorney General's Office
100 North Carson Street
Carson City, NV 89701-4717
Email: ryien@ag.nv.gov


an employee of Brownstein Hyatt Farber Schreck, LLP

212864670v1



STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE

IN THE MATTER OF) CAUSE NO. 17.0050
)
HOME WARRANTY ADMINISTRATOR) SUBPOENA DUCES TECUM
OF NEVADA, INC. dba CHOICE HOME)
WARRANTY)
)
Respondent.)

The State of Nevada, Department of Business and Industry, Division of Insurance ("Division"),
sends greetings to:

HOME WARRANTY ADMINISTRATOR OF NEVADA, INC.
dba CHOICE HOME WARRANTY

WE COMMAND YOU, pursuant to Nevada Revised Statutes ("NRS") 679B.340 and Nevada
Administrative Code ("NAC") 679B.280, to present to the Division, no later than
15 Aug. 2017, to the offices of the Division, for examination by the Division, copies of all
bank account statements and documents for the past twelve months for CHW's reserve account as
required by NRS 690C.170(2).

Failure to do so could be deemed a violation of NRS 679B.340, said violation being a
misdemeanor, subjecting the violator to such action or sanctions as determined by an appropriate
court of law.

SO ORDERED this 26th day of July 2017.


ALEXIA M. EMMERMANN, Esq.
Hearing Officer

1
2
3
4
5
6
7
8
9
0

1
2
3
4
5
6
7
8
9
0

1
2
3
4
5
6
7
8
9
0

2
3
4
5

6
7
8

0
1
23
4
5
6

7

390

1

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

DIV. OF INS. **6-7** **7-27 17.0050**

Certified Mail Fee \$
 Extra Services & Fees (check box, add fee as appropriate)
☒ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postmark Here
 CARSON CITY NV 89701
 28
 2017

Prostate

TRAVIS F. CHANCE, ESQ.
 BROWNSTEIN HYATT FARBER SCHRECK, LLP
 100 NORTH CITY PARKWAY, SUITE 1600
 LAS VEGAS, NV 89106

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

TRAVIS F. CHANCE, ESQ.
 BROWNSTEIN HYATT FARBER SCHRECK, LLP
 100 NORTH CITY PARKWAY, SUITE 1600
 LAS VEGAS, NV 89106

2. Article Number (Transfer from service label)
 9590 9402 2940 7094 9283 03
 7017 0660 0000 0056 1223

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent
☒ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Mail	
<input type="checkbox"/> Mail Restricted Delivery (over \$500)	

PS Form 3811, July 2015 PSN 7530-02-000-9053 **6-7** **7-27 17.0050** Domestic Return Receipt

000097

AA000081

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com.

DIV. OF INS. JUL 27 17.0050

Certified Mail Fee \$ 6.50

Extra Services & Fees (check box, add fee as appropriate)

☒ Return Receipt (hardcopy) \$

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postage

KIRK B. LENHARD, ESQ.
 BROWNSTEIN HYATT FARBER SCHRECK, LLP
 100 NORTH CITY PARKWAY, SUITE 1600
 LAS VEGAS, NV 89106

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

■ Complete items 1, 2, and 3.
 ■ Print your name and address on the reverse so that we can return the card to you.
 ■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

KIRK B. LENHARD, ESQ.
 BROWNSTEIN HYATT FARBER SCHRECK, LLP
 100 NORTH CITY PARKWAY, SUITE 1600
 LAS VEGAS, NV 89106

2. Article Number (Transfer from service label)

7017 0660 0000 0056 0240

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature X ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes ☐ No
 If YES, enter delivery address below:

3. Service Type

☐ Adult Signature ☐ Priority Mail Express®
☐ Adult Signature Restricted Delivery ☐ Registered Mail™
☒ Certified Mail® ☐ Registered Mail Restricted Delivery
☐ Certified Mail Restricted Delivery ☐ Return Receipt for Merchandise
☐ Collect on Delivery ☐ Signature Confirmation™
☐ Collect on Delivery Restricted Delivery ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

000098

AA000082

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

DIV. OF INS. LGL 7-27 17.0050

Certified Mail Fee \$ 6.56

Extra Services & Fees (check box, add fee as appropriate)

<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$	
<input type="checkbox"/> Return Receipt (electronic)	\$	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	
<input type="checkbox"/> Adult Signature Required	\$	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	

Postage

LORI GRIFA, ESQ.
 ARCHER & GREINER, P.C.
 COURT PLAZA SOUTH, WEST WING
 21 MAIN STREET, SUITE 353
 HACKENSACK, NJ 07601

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY														
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>LORI GRIFA, ESQ. ARCHER & GREINER, P.C. COURT PLAZA SOUTH, WEST WING 21 MAIN STREET, SUITE 353 HACKENSACK, NJ 07601</p> <p>2. Article Number (Transfer from service label)</p> <p>9590 9402 2940 7094 9282 97</p> <p>7017 0660 0000 0056 1230</p>	<p>A. Signature</p> <p><u>[Signature]</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)</p> <p><u>[Signature]</u> C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p> <p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Mail Restricted Delivery</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Mail Restricted Delivery	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®														
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™														
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery														
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise														
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™														
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery														
<input type="checkbox"/> Mail Restricted Delivery															

PS Form 3811, July 2015 PSN 7530-02-000-9053 LGL 7-27 17.0050 Domestic Return Receipt

000099

AA000083

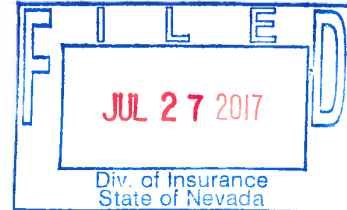
STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE

IN THE MATTER OF

CAUSE NO. 17.0050

**HOME WARRANTY ADMINISTRATOR OF
NEVADA, INC. dba CHOICE HOME
WARRANTY,**

Respondent.



ORDER ON MOTIONS

This matter is before the Division of Insurance ("Division") on an Order to Show Cause issued by the Commissioner of Insurance ("Commissioner") on May 11, 2017. A hearing is currently scheduled for August 1, 2017, at 9:00 a.m. at the office of the Division in Carson City. On or about July 17, 2017, Home Warranty Administrator of Nevada, Inc. dba Choice Home Warranty ("HWAN") filed a Motion for Pre-Hearing Deposition Subpoenas or, in the Alternative, Application for Hearing Subpoenas and Application for Subpoena Duces Tecum ("HWAN Motion"). On or about July 20, 2017, the Division filed a Request to Continue Hearing, to which HWAN filed, on or about July 21, 2017, a Notice of No Opposition to Request to Continue Hearing. On or about July 21, 2017, the Division filed a Limited Opposition to Motion for Pre-Hearing Deposition Subpoenas or in the Alternative Application for Hearing Subpoenas and Application for Subpoena Duces Tecum. For the reasons provided below, the Hearing Officer HEREBY:

1. **DENIES** HWAN's request for prehearing depositions subpoenas;
2. **GRANTS** HWAN's request for hearing subpoenas;
3. **GRANTS** HWAN's request for the issuance of a subpoena duces tecum; and
4. **GRANTS** the unopposed motion to continue this matter and reset filing dates for the prehearing statements and proposed exhibits.

A. HWAN Motion

In hearings before the Division, a party may request to subpoena witnesses upon application setting forth the reasons why the subpoena is requested. NAC 679B.280.1. In

1 hearings before the Division of Insurance, a hearing officer's obligation is to "expedite the
2 hearing and all procedures involved therein." NRS 679B.330.1. A hearing officer has the power
3 to subpoena witnesses, compel their attendance, administer oaths, examine any person under oath
4 relative to the subject of the hearing, and require the production of any books, papers, records,
5 correspondence, or other documents that the hearing officer deems relevant to the inquiry.
6 NRS 679B.340.1.

7 **1. Request for Pre-Hearing Deposition Subpoenas**

8 Administrative hearings are intended to be expedited processes that do not follow the
9 formalities of civil or criminal trials. Dutchess Business Services, Inc. v. Nevada State Board of
10 Pharmacy, 124 Nev. 701 (2008). As the Court explained,

11 [g]enerally, there is no state or federal constitutional right in administrative
12 proceedings to prehearing discovery that would require disclosure of intended
13 witnesses. Furthermore, . . . the Nevada Rules of Civil Procedure do not apply to
14 administrative proceedings, and Nevada's Administrative Procedure Act makes no
15 provision for discovery. Thus, the extent to which a party engaged in an
16 administrative hearing before [an agency] is entitled to discovery is determined by
17 the statutes governing the [agency] and its adopted regulations.

18 Id. at 713. The hearing officer has discretion to grant leave for depositions. NRS 679B.330.3.
19 However, leave for depositions are generally not granted in hearings before the Division due their
20 cost and delay, and because issues can be appropriately explored in witness examinations during
21 hearings. Because HWAN will be able to examine Division personnel at the hearing, the Hearing
22 Officer DENIES HWAN's request for prehearing deposition subpoenas.

23 **2. Request for Hearing Subpoenas**

24 HWAN requests hearing subpoenas be issued for the appearance of both current and
25 former Division employees to be examined during hearing regarding two specific areas: (1)
26 annual renewal of certificates of registration between 2011 and 2017, and (2) supervision of
27 company business practices and operations and handling of complaints. The Division argues that
28 NRS 233B.123.1 requires that unduly repetitious evidence be excluded.

HWAN's Motion indicates that each witness identified had specific interactions with
HWAN personnel, and have actual knowledge of the issues pertaining to HWAN's annual

1 renewals and HWAN's business operations and how it handled complaints. Therefore, HWAN
2 will be permitted to examine these witnesses with the understanding that the Hearing Officer
3 must exclude unduly repetitious evidence.

4 With regard to subpoenaed witnesses who are former employees of the Division,
5 "[w]itness fees and mileage, if claimed, shall be allowed the same as for testimony in a court of
6 record" NRS 679B.340.4.

7 Thus, HWAN's request for hearing subpoenas is GRANTED. Based on the
8 representation in HWAN's Motion, HWAN is expected to provide the draft subpoenas to the
9 Hearing Officer for execution.

10 **3. Request for the Issuance of a Subpoena Duces Tecum**

11 HWAN requests the issuance of a subpoena duces tecum records relating to the
12 Complaint and Application for Order to Show Cause, other than records protected by attorney-
13 client privilege, and for records proving service and receipt of Mary Strong's e-mail dated
14 February 1, 2017. The Division does not oppose the issuance of such a subpoena because it
15 intends to provide HWAN with all non-privileged documents related to the case, and because
16 HWAN is expected to also receive these records through a public records request HWAN filed
17 with the Division.

18 The Hearing Officer GRANTS HWAN's request for the issuance of a subpoena duces
19 tecum except for records that are confidential by statute or otherwise privileged. Based on the
20 representation in HWAN's Motion, HWAN is expected to provide the draft subpoena duces
21 tecum to the Hearing Officer for execution.

22 **4. Unopposed Motion to Continue Hearing and Related Pleadings Filing Dates**

23 This matter is currently set for hearing on August 1, 2017, at 9:00 a.m. The Division
24 requests to continue the hearing to give the Division time to gather the records requested in
25 HWAN's Motion, and further requests that the prehearing statement's due date of July 24, 2017,
26 be postponed. HWAN does not oppose the Division's motion. In considering this motion, the
27 Hearing Officer asked her Clerk to contact the Parties to identify available dates and the expected
28 length of the hearing. Accordingly, the Hearing Officer GRANTS the Division's unopposed

1 motion to continue this matter. This Order serves as notice that the hearing is now scheduled as
2 follows:

3 **September 12-13, 2017 at 9:00 a.m.**
4 **Division of Insurance**
5 **1818 E. College Parkway, Suite 103**
6 **Carson City, Nevada 89706**

7 Further, the prehearing statements and proposed hearing exhibits are hereby ORDERED to be
8 filed **no later than 5:00 p.m. on September 6, 2017.** All other provisions related to the
9 prehearing statement and proposed exhibits shall follow the requirements set forth in the
10 Prehearing Order issued on June 22, 2017.

11 So ORDERED.

12 DATED this 27th day of July, 2017.

13 
14 ALEXIA M. EMMERMANN
15 Hearing Officer
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I have this date served the **ORDER ON MOTIONS**, in **CAUSE**
3 **NO. 17.0050**, via electronic mail and by mailing a true and correct copy thereof, properly
4 addressed with postage prepaid, certified mail return receipt requested, to the following:

5 Kirk B. Lenhard, Esq.
6 Brownstein Hyatt Farber Schreck, LLP
7 100 North City Parkway, Suite 1600
8 Las Vegas, NV 89106
9 E-MAIL: klenhard@bhfs.com
10 CERTIFIED MAIL NO. 7017 0660 0000 0056 0509

11 Travis F. Chance, Esq.
12 Brownstein Hyatt Farber Schreck, LLP
13 100 North City Parkway, Suite 1600
14 Las Vegas, NV 89106
15 E-MAIL: tchance@bhfs.com
16 CERTIFIED MAIL NO. 7017 0660 0000 0056 0516

17 Lori Grifa, Esq.
18 Archer & Greiner, P.C.
19 Court Plaza South, West Wing
20 21 Main Street, Suite 353
21 Hackensack, NJ 07601
22 E-MAIL: lgrifa@archerlaw.com
23 CERTIFIED MAIL NO. 7017 0660 0000 0056 0523


24 and, the originals of the foregoing were hand-delivered to:

25 Alexia M. Emmermann, Esq.
26 Hearing Officer
27 Department of Business and Industry
28 Division of Insurance
1818 East College Parkway, Suite 103
Carson City, NV 89706

and, copies of the foregoing were sent via electronic mail to:

Richard Yien, Deputy Attorney General
Nevada Attorney General's Office
E-MAIL: ryien@ag.nv.gov

DATED this 27th day of July, 2017.

25 
26 Employee of the State of Nevada
27 Department of Business and Industry
28 Division of Insurance

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

DIV. OF INS. JUL 17 2017 0050

7017 0660 0000 0056 0516

Certified Mail Fee \$ 6.77

Extra Services & Fees (check box, add fee as appropriate)

<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$	
<input type="checkbox"/> Return Receipt (electronic)	\$	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	
<input type="checkbox"/> Adult Signature Required	\$	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	

Postage

Postmark Here **JUL 28 2017**

TRAVIS F. CHANCE, ESQ.
 BROWNSTEIN HYATT FARBER SCHRECK, LLP
 100 NORTH CITY PARKWAY, SUITE 1600
 LAS VEGAS, NV 89106

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

TRAVIS F. CHANCE, ESQ.
 BROWNSTEIN HYATT FARBER SCHRECK, LLP
 100 NORTH CITY PARKWAY, SUITE 1600
 LAS VEGAS, NV 89106

2. Article Number (Transfer from service label)

9590 9402 2940 7094 9283 27

7017 0660 0000 0056 0516

COMPLETE THIS SECTION ON DELIVERY

A. Signature [Signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) [Name] C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes ☐ No
 If YES, enter delivery address below:

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input checked="" type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Mail Restricted Delivery (00)	

PS Form 3811, July 2015 PSN 7530-02-000-9053 **Domestic Return Receipt**

LG 7-27 17.0050

000105

AA000089

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

DIV. OF INS. LGL 7-27 17.0050 42

7017 0660 0000 0056 0509

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

☒ Return Receipt (hardcopy) \$

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postage

KIRK B. LENHARD, ESQ.
 BROWNSTEIN HYATT FARBER SCHRECK, LLP
 100 NORTH CITY PARKWAY, SUITE 1600
 LAS VEGAS, NV 89106

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

CARSON CITY NV 89701
 Postmark Here
 28
 2017
 USPS

SENDER: COMPLETE THIS SECTION

■ Complete items 1, 2, and 3.
 ■ Print your name and address on the reverse so that we can return the card to you.
 ■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

KIRK B. LENHARD, ESQ.
 BROWNSTEIN HYATT FARBER SCHRECK, LLP
 100 NORTH CITY PARKWAY, SUITE 1600
 LAS VEGAS, NV 89106

2. Article Number (Transfer from service label)

7017 0660 0000 0056 0509

9590 9402 2940 7094 9283 65

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Addressee

X

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature ☐ Priority Mail Express®
☐ Adult Signature Restricted Delivery ☐ Registered Mail™
☒ Certified Mail® ☐ Registered Mail Restricted Delivery
☐ Certified Mail Restricted Delivery ☐ Return Receipt for Merchandise
☐ Collect on Delivery ☐ Signature Confirmation™
☐ Collect on Delivery Restricted Delivery ☐ Signature Confirmation Restricted Delivery


Mail Restricted Delivery (00)


PS Form 3811, July 2015 PSN 7530-02-000-9053 LGL 7-27 17.0050 42 Domestic Return Receipt

000106

AA000090

7017 0660 0000 0056 0523

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i>	
For delivery information, visit our website at www.usps.com ®.	
DIV. OFFINS. LGL 7-27 17.0050	
Certified Mail Fee \$ <u>0.56</u>	
Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage	
LORI GRIFA, ESQ. ARCHER & GREINER, P.C. COURT PLAZA SOUTH, WEST WING 21 MAIN STREET, SUITE 353 HACKENSACK, NJ 07601	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input checked="" type="checkbox"/>  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: LORI GRIFA, ESQ. ARCHER & GREINER, P.C. COURT PLAZA SOUTH, WEST WING 21 MAIN STREET, SUITE 353 HACKENSACK, NJ 07601	B. Received by (Printed Name) <u>V. L. [unclear]</u>
2. Article Number (Transfer from service label) 9590 9402 2940 7094 9283 34 7017 0660 0000 0056 0523	C. Date of Delivery D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Mail Restricted Delivery (DD)	<input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery
PS Form 3811, July 2015 PSN 7530-02-000-9053 LGL 7-27 17.0050 4 Domestic Return Receipt	

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE

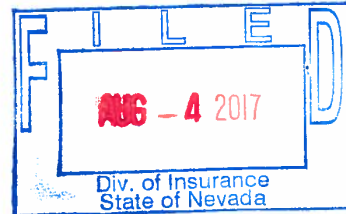
IN THE MATTER OF:

CAUSE NO.: 17.0050

HOME WARRANTY ADMINISTRATOR
OF NEVADA, INC. dba CHOICE HOME
WARRANTY

SUBPOENA FOR APPEARANCE AT
HEARING

Respondent.



THE STATE OF NEVADA sends greetings to:

DOLORES BENNETT
c/o Richard Yien, Deputy Attorney General
Office of the Attorney General, State of Nevada
100 N. Carson
Carson City, Nevada 89701
Phone: (775) 684-1129

YOU ARE HEREBY COMMANDED that, all and singular, business and excuses set aside, and pursuant to Nevada Revised Statutes ("NRS") 679B.340 and Nevada Administrative Code ("NAC") 679B.280, you appear and testify at the State of Nevada Division of Insurance, 1818 E. College Parkway, Suite 103, Carson City, Nevada 89706, on September 12 and 13, 2017 at the hearing of this matter. Your testimony will continue until concluded.

Failure to comply with this subpoena may be deemed a violation of NRS 679B.340, said violation being a misdemeanor, subjecting the violator to such action or sanctions as determined by an appropriate court of law.

SO ORDERED this 4th day of August, 2017.

ALEXIA M. EMMERMANN
Hearing Officer

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that I have on this date served the **SUBPOENA FOR**
3 **APPEARANCE AT HEARING** via electronic mail, and by mailing a true and correct copy
4 thereof, properly addressed with postage prepaid, certified mail return receipt requested, to the
5 following:

6 KIRK B. LENHARD, ESQ., Nevada Bar No. 1437
7 klenhard@bhfs.com
8 TRAVIS F. CHANCE, ESQ., Nevada Bar No. 13800
9 tchance@bhfs.com
10 BROWNSTEIN HYATT FARBER SCHRECK, LLP
11 100 North City Parkway, Suite 1600
12 Las Vegas, NV 89106-4614
13 CERTIFIED MAIL NO. 7017 0660 0000 0056 1285

14 LORI GRIFA, ESQ., NJ Bar No. 011551989
15 lgrifa@archerlaw.com
16 ARCHER & GREINER, P.C.
17 Court Plaza South, West Wing
18 21 Main Street, Suite 353
19 Hackensack, NJ 07601
20 CERTIFIED MAIL NO. 7017 0660 0000 0056 1292

21 *Attorneys for Respondent Home Warranty Administrator*
22 *of Nevada, Inc. dba Choice Home Warranty*


23 and, the originals of the foregoing were hand-delivered to:

24 Alexia M. Emmermann, Esq.
25 Hearing Officer
26 Department of Business and Industry
27 Division of Insurance
28 1818 East College Parkway, Suite 103
Carson City, Nevada 89706

and, copies of the foregoing were sent via electronic mail to:

Richard Yien, Deputy Attorney General
Nevada Attorney General's Office
100 N. Carson Street
Carson City, Nevada 89701
Email: ryien@ag.nv.gov
Attorneys for the Division of Insurance

DATED this 7th day of August, 2017.



Employee of the State of Nevada
Department of Business and Industry
Division of Insurance

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

DIV. OF INS. **AUG 17 2017** **8-7 42**

Certified Mail Fee \$
 Extra Services & Fees (check box, add fee as appropriate)
☒ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postmark Here
AUG 8 2017

KIRK B LENHARD ESQ
 TRAVIS F CHANCE ESQ
 BROWNSTEIN HYATT FARBER SCHRECK LLP
 100 NORTH CITY PARKWAY SUITE 1600
 LAS VEGAS NV 89106-4614

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

KIRK B LENHARD ESQ
 TRAVIS F CHANCE ESQ
 BROWNSTEIN HYATT FARBER SCHRECK LLP
 100 NORTH CITY PARKWAY SUITE 1600
 LAS VEGAS NV 89106-4614

2. Article Number (Transfer from service label)
 7017 0660 0000 0056 1285

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery **AUG 10 2017**

D. Is delivery address different from item 1? ☐ Yes ☐ No
 If YES, enter delivery address below:

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Mail Restricted Delivery	

PS Form 3811, July 2015 PSN 7530-02-000-9053 **AUG 17 2017** **8-7 42** Domestic Return Receipt

000118

AA000094

7017 0660 0000 0056 1292

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

DIV. OF INS. *ALL 170050 NR 8-7*

Certified Mail Fee \$
Extra Services & Fees (check box, add fee as appropriate)
☒ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$



Postage
LORI GRIFA ESQ
ARCHER & GREINER PC
COURT PLAZA SOUTH WEST WING
21 MAIN STREET SUITE 353
HACEKNSACK NJ 07601

PS Form 3800, April 2015 PSN 7530-02-000-8047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

LORI GRIFA ESQ
ARCHER & GREINER PC
COURT PLAZA SOUTH WEST WING
21 MAIN STREET SUITE 353
HACEKNSACK NJ 07601



9590 9402 2940 7094 9296 38

2. Article Number (Transfer from service label)

7017 0660 0000 0056 1292

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ *Joseph Tilt*
B. Received by (Printed Name)
Joseph Tilt

- ☐ Agent
☐ Addressee

C. Date of Delivery

- D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
Mail
Mail Restricted Delivery (J)

- ☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

ALL 170050 NR 8-7

Domestic Return Receipt

000119

AA000095

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE

IN THE MATTER OF:

CAUSE NO.: 17.0050

HOME WARRANTY ADMINISTRATOR
OF NEVADA, INC. dba CHOICE HOME
WARRANTY

SUBPOENA FOR APPEARANCE AT
HEARING

Respondent.



THE STATE OF NEVADA sends greetings to:

SANJA SAMARDZIJA
c/o Richard Yien, Deputy Attorney General
Office of the Attorney General, State of Nevada
100 N. Carson
Carson City, Nevada 89701
Phone: (775) 684-1129

YOU ARE HEREBY COMMANDED that, all and singular, business and excuses set aside, and pursuant to Nevada Revised Statutes ("NRS") 679B.340 and Nevada Administrative Code ("NAC") 679B.280, you appear and testify at the State of Nevada Division of Insurance, 1818 E. College Parkway, Suite 103, Carson City, Nevada 89706, on September 12 and 13, 2017 at the hearing of this matter. Your testimony will continue until concluded.

Failure to comply with this subpoena may be deemed a violation of NRS 679B.340, said violation being a misdemeanor, subjecting the violator to such action or sanctions as determined by an appropriate court of law.

SO ORDERED this 4th day of August, 2017.


ALEXIA M. EMMERMANN
Hearing Officer

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that I have on this date served the **SUBPOENA FOR**
3 **APPEARANCE AT HEARING** via electronic mail, and by mailing a true and correct copy
4 thereof, properly addressed with postage prepaid, certified mail return receipt requested, to the
5 following:

6 KIRK B. LENHARD, ESQ., Nevada Bar No. 1437
7 klenhard@bhfs.com
8 TRAVIS F. CHANCE, ESQ., Nevada Bar No. 13800
9 tchance@bhfs.com
10 BROWNSTEIN HYATT FARBER SCHRECK, LLP
11 100 North City Parkway, Suite 1600
12 Las Vegas, NV 89106-4614
13 CERTIFIED MAIL NO. 7017 0660 0000 0056 1247

14 LORI GRIFA, ESQ., NJ Bar No. 011551989
15 lgrifa@archerlaw.com
16 ARCHER & GREINER, P.C.
17 Court Plaza South, West Wing
18 21 Main Street, Suite 353
19 Hackensack, NJ 07601
20 CERTIFIED MAIL NO. 7017 0660 0000 0056 1254

21 *Attorneys for Respondent Home Warranty Administrator*
22 *of Nevada, Inc. dba Choice Home Warranty*


23 and, the originals of the foregoing were hand-delivered to:

24 Alexia M. Emmermann, Esq.
25 Hearing Officer
26 Department of Business and Industry
27 Division of Insurance
28 1818 East College Parkway, Suite 103
Carson City, Nevada 89706

and, copies of the foregoing were sent via electronic mail to:

Richard Yien, Deputy Attorney General
Nevada Attorney General's Office
100 N. Carson Street
Carson City, Nevada 89701
Email: ryien@ag.nv.gov
Attorneys for the Division of Insurance

24 DATED this 7th day of August, 2017.

25 
26 _____
27 Employee of the State of Nevada
28 Department of Business and Industry
Division of Insurance

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

DIV. OF INS. **ALL 17.0050 8-7**

7017 0660 0000 0056 1247

Certified Mail Fee	\$	
Extra Services & Fees (check box, add fee as appropriate)		
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$	
<input type="checkbox"/> Return Receipt (electronic)	\$	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	
<input type="checkbox"/> Adult Signature Required	\$	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	
Postage		

KIRK B LENHARD ESQ
TRAVIS F CHANCE ESQ
BROWNSTEIN HYATT FARBER SCHRECK LLP
100 NORTH CITY PARKWAY SUITE 1600
LAS VEGAS NV 89106-4614

Postmark
Here


CARSON CITY NV 89701
AUG 10 2017

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

FRONT: COMPLETE THIS SECTION

Complete items 1, 2, and 3.
Print your name and address on the reverse so that we can return the card to you.
Attach this card to the back of the mailpiece, or on the front if space permits.
Article Addressed to:

KIRK B LENHARD ESQ
TRAVIS F CHANCE ESQ
BROWNSTEIN HYATT FARBER SCHRECK LLP
100 NORTH CITY PARKWAY SUITE 1600
LAS VEGAS NV 89106-4614


9590 9402 2940 7094 9291 88

2. Article Number (Transfer from service label)
7017 0660 0000 0056 1247

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X

B. Received by (Printed Name)

C. Date of Delivery
AUG 10 2017

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Mail Restricted Delivery	

Domestic Return Receipt

ALL 17.0050 8-7

000110

AA000098

7017 0660 0000 0056 1254

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	
LORI GRIFA ESQ ARCHER & GREINER PC COURT PLAZA SOUTH WEST WING 21 MAIN STREET SUITE 353 HACEKNSACK NJ 07601	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee B. Received by (Printed Name) C. Date of Delivery
1. Article Addressed to: LORI GRIFA ESQ ARCHER & GREINER PC COURT PLAZA SOUTH WEST WING 21 MAIN STREET SUITE 353 HACEKNSACK NJ 07601	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
2. Article Number (Transfer from service label) 7017 0660 0000 0056 1254	3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Mail Restricted Delivery (20) <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery
PS Form 3811, July 2015 PSN 7530-02-000-9053	Domestic Return Receipt

000111

AA000099

1 **STATE OF NEVADA**
2 **DEPARTMENT OF BUSINESS AND INDUSTRY**
3 **DIVISION OF INSURANCE**

4 IN THE MATTER OF:

CAUSE NO.: 17.0050

5 HOME WARRANTY ADMINISTRATOR
OF NEVADA, INC. dba CHOICE HOME
WARRANTY

**SUBPOENA FOR APPEARANCE AT
HEARING**

6 Respondent.



7
8 THE STATE OF NEVADA sends greetings to:

9 **VINCENT CAPITINI**
c/o Richard Yien, Deputy Attorney General
10 Office of the Attorney General, State of Nevada
11 100 N. Carson
Carson City, Nevada 89701
12 Phone: (775) 684-1129

13 YOU ARE HEREBY COMMANDED that, all and singular, business and excuses set
14 aside, and pursuant to Nevada Revised Statutes ("NRS") 679B.340 and Nevada Administrative
15 Code ("NAC") 679B.280, you appear and testify at the State of Nevada Division of Insurance,
16 1818 E. College Parkway, Suite 103, Carson City, Nevada 89706, on September 12 and 13, 2017
17 at the hearing of this matter. Your testimony will continue until concluded.

18 Failure to comply with this subpoena may be deemed a violation of NRS 679B.340, said
19 violation being a misdemeanor, subjecting the violator to such action or sanctions as determined
20 by an appropriate court of law.

21 SO ORDERED this 4th day of August, 2017.

22
23 
24 ALEXIA M. EMMERMANN
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have on this date served the **SUBPOENA FOR APPEARANCE AT HEARING** via electronic mail, and by mailing a true and correct copy thereof, properly addressed with postage prepaid, certified mail return receipt requested, to the following:

KIRK B. LENHARD, ESQ., Nevada Bar No. 1437
klenhard@bhfs.com
TRAVIS F. CHANCE, ESQ., Nevada Bar No. 13800
tchance@bhfs.com
BROWNSTEIN HYATT FARBER SCHRECK, LLP
100 North City Parkway, Suite 1600
Las Vegas, NV 89106-4614
CERTIFIED MAIL NO. 7017 0660 0000 0056 1261

LORI GRIFA, ESQ., NJ Bar No. 011551989
lgrifa@archerlaw.com
ARCHER & GREINER, P.C.
Court Plaza South, West Wing
21 Main Street, Suite 353
Hackensack, NJ 07601
CERTIFIED MAIL NO. 7017 0660 0000 0056 1278

*Attorneys for Respondent Home Warranty Administrator
of Nevada, Inc. dba Choice Home Warranty*

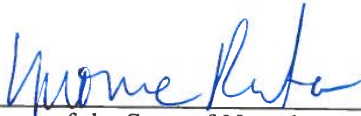
and, the originals of the foregoing were hand-delivered to:

Alexia M. Emmermann, Esq.
Hearing Officer
Department of Business and Industry
Division of Insurance
1818 East College Parkway, Suite 103
Carson City, Nevada 89706

and, copies of the foregoing were sent via electronic mail to:

Richard Yien, Deputy Attorney General
Nevada Attorney General's Office
100 N. Carson Street
Carson City, Nevada 89701
Email: ryien@ag.nv.gov
Attorneys for the Division of Insurance

DATED this 7th day of August, 2017.



Employee of the State of Nevada
Department of Business and Industry
Division of Insurance

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

DIV. OF INS. *ALL 17050 8-7*

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage

KIRK B LENHARD ESQ
 TRAVIS F CHANCE ESQ
 BROWNSTEIN HYATT FARBER SCHRECK LLP
 100 NORTH CITY PARKWAY SUITE 1600
 LAS VEGAS NV 89106-4614

Postmark Here
ALL 17050 8-7

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

KIRK B LENHARD ESQ
 TRAVIS F CHANCE ESQ
 BROWNSTEIN HYATT FARBER SCHRECK LLP
 100 NORTH CITY PARKWAY SUITE 1600
 LAS VEGAS NV 89106-4614

2. Article Number (Transfer from service label)

9590 9402 2940 7094 9292 01
 7017 0660 0000 0056 1261

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]*

B. Received by (Printed Name)

C. Date of Delivery *AUG 10 2017*

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery

Domestic Return Receipt

ALL 17050 8-7

000114

AA000102

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

DIV. OF INS. *17.0508-74r*

Certified Mail Fee \$
Extra Services & Fees (check box, add fee as appropriate)
☒ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$
Postage
LORI GRIFA ESQ
ARCHER & GREINER PC
COURT PLAZA SOUTH WEST WING
21 MAIN STREET SUITE 353
HACEKNSACK NJ 07601

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>LORI GRIFA ESQ ARCHER & GREINER PC COURT PLAZA SOUTH WEST WING 21 MAIN STREET SUITE 353 HACEKNSACK NJ 07601</p> <p>9590 9402 2940 7094 9291 95</p> <p>2. Article Number (Transfer from service label)</p> <p>7017 0660 0000 0056 1278</p>		<p>A. Signature <input checked="" type="checkbox"/> <i>Joseph T. M.</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Joseph T. M.</i> C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail (Mail Restricted Delivery 00)</p>		<p>Domestic Return Receipt</p>	

PS Form 3811, July 2015 PSN 7530-02-000-9053

000115

AA000103

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE**

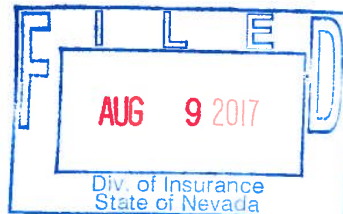
IN THE MATTER OF:

CAUSE NO.: 17.0050

HOME WARRANTY ADMINISTRATOR
OF NEVADA, INC. dba CHOICE HOME
WARRANTY

SUBPOENA DUCES TECUM

Respondent.



THE STATE OF NEVADA sends greetings to:

THE COMMISSIONER OF

THE STATE OF NEVADA DIVISION OF INSURANCE (the "Division")

YOU ARE HEREBY COMMANDED, pursuant to Nevada Revised Statutes ("NRS") 679B.340 and Nevada Administrative Code ("NAC") 679B.280, to present to Respondent HOME WARRANTY ADMINISTRATOR OF NEVADA, INC. ("HWAN"), c/o Kirk B. Lenhard, Esq., Brownstein Hyatt Farber Schreck, LLP, 100 North City Parkway, Suite 1600, Las Vegas, NV 89102, no later than 29 August, 2017, for examination, inspection, and copying, the following:

1. Any documents and/or communications, written, recorded or electronic, other than those protected by the attorney-client privilege, in the possession of the Division relating to the decision to file the Complaint and Application for Order to Show Cause;
2. Any documents and/or communications, written, recorded or electronic, other than those protected by the attorney-client privilege, in the possession of the Division relating to the allegations in the Complaint and Application for Order to Show Cause, including documents related to the underlying investigation and charging decisions made in this matter;
3. Any documents and/or communications, written, recorded or electronic, other than those protected by the attorney-client privilege, in the possession of the Division

1 proving service and receipt of the Division's request relating to the allegations in
2 the Complaint and Application for Order to Show Cause, including documents
3 related to the underlying investigation and charging decisions made in this matter;

4 4. Copies of HWAN's original application for registration with the Division as well
5 as all annual applications for renewal submitted by HWAN;

6 5. Any documents and/or communications, written, recorded or electronic, other than
7 those protected by the attorney-client privilege, in the possession of the Division
8 proving service and receipt of Mary Strong's e-mail dated February 1, 2017,
9 including, but not limited to, any read receipts, delivery receipts, or other proof
10 that the e-mail was sent, received, and read; and

11 6. Any documents and/or communications, written, recorded or electronic, other than
12 those protected by the attorney-client privilege, from the Division to HWAN
13 relating to the amendments of NRS 690C.170 in 2011 and 2013.

14 7. Any documents and/or communications, written, recorded, or electronic, other
15 than those protected by the attorney-client privilege, from the Division to HWAN
16 communicating any allegation of: statutory or regulatory violation, omission or
17 deficiency in any filing or paperwork or information provided or improperly
18 omitted, financial shortfall, impropriety or any operational issue or concern, other
19 than those raised in the instant Cause.

20 Failure to comply with this subpoena may be deemed a violation of NRS 679B.340, said
21 violation being a misdemeanor, subjecting the violator to such action or sanctions as determined
22 by an appropriate court of law.

23 SO ORDERED this 9th day of August, 2017.

24
25 
26 ALEXIA M. EMMERMANN
27 Hearing Officer
28

1 CERTIFICATE OF SERVICE

2 I HEREBY CERTIFY that I have on this date served the **SUBPOENA DUCES TECUM**
3 via electronic mail, and by mailing a true and correct copy thereof, properly addressed with
4 postage prepaid, certified mail return receipt requested, to the following:

5 KIRK B. LENHARD, ESQ., Nevada Bar No. 1437
6 klenhard@bhfs.com
7 TRAVIS F. CHANCE, ESQ., Nevada Bar No. 13800
8 tchance@bhfs.com
9 BROWNSTEIN HYATT FARBER SCHRECK, LLP
10 100 North City Parkway, Suite 1600
11 Las Vegas, NV 89106-4614
12 CERTIFIED MAIL NO. 7017 0660 0000 0056 1322

13 LORI GRIFA, ESQ., NJ Bar No. 011551989
14 lgrifa@archerlaw.com
15 ARCHER & GREINER, P.C.
16 Court Plaza South, West Wing
17 21 Main Street, Suite 353
18 Hackensack, NJ 07601
19 CERTIFIED MAIL NO. 7017 0660 0000 0056 1315

20 *Attorneys for Respondent Home Warranty Administrator*
21 *of Nevada, Inc. dba Choice Home Warranty*

22 and, the originals of the foregoing were hand-delivered to:

23 Alexia M. Emmermann, Esq.
24 Hearing Officer
25 Department of Business and Industry
26 Division of Insurance
27 1818 East College Parkway, Suite 103
28 Carson City, Nevada 89706

and, copies of the foregoing were sent via electronic mail to:

Richard Yien, Deputy Attorney General
Nevada Attorney General's Office
100 N. Carson Street
Carson City, Nevada 89701
Email: ryien@ag.nv.gov
Attorneys for the Division of Insurance

DATED this 9th day of August, 2017.



Employee of the State of Nevada
Department of Business and Industry
Division of Insurance

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

7017 0660 0000 0056 1322

792 **3813** **8-9**

5850 **2107** **9114**

Certified Mail Fee \$ **7.92**

Extra Services & Fees (check box, add fee as appropriate)

☒ Return Receipt (hardcopy) \$ **2.80**

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

**KIRK B LENHARD ESQ
TRAVIS F CHANCE ESQ
BROWNSTEIN HYATT FARBER SCHRECK LLP
100 NORTH CITY PARKWAY STE 1600
LAS VEGAS NV 89106-4614**

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

■ Complete items 1, 2, and 3.
■ Print your name and address on the reverse so that we can return the card to you.
■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**KIRK B LENHARD ESQ
TRAVIS F CHANCE ESQ
BROWNSTEIN HYATT FARBER SCHRECK LLP
100 NORTH CITY PARKWAY STE 1600
LAS VEGAS NV 89106-4614**

9590 9402 2940 7094 9296 52

2. Article Number (Transfer from service label)

7017 0660 0000 0056 1322

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Addressee

X

B. Received by (Printed Name) **C. Date of Delivery**

AUG 14 2017

D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

3. Service Type

☐ Adult Signature ☐ Priority Mail Express®
☐ Adult Signature Restricted Delivery ☐ Registered Mail™
☒ Certified Mail® ☐ Registered Mail Restricted Delivery
☐ Certified Mail Restricted Delivery ☐ Return Receipt for Merchandise
☐ Collect on Delivery ☐ Signature Confirmation™
☐ Collect on Delivery Restricted Delivery ☐ Signature Confirmation Restricted Delivery
☐ Mail ☐ Mail Restricted Delivery

Domestic Return Receipt

000123

AA000107

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com™.

Certified Mail Fee \$ 992

Extra Services & Fees (check box, add fee as appropriate)

☒ Return Receipt (hardcopy) \$ 3813

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postage

Postmark Here

**LORI GRIFA ESQ
ARCHER & GREINER PC
COURT PLAZA SOUTH, WEST WING
21 MAIN STREET SUITE 353
HACKENSACK NJ 07601**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

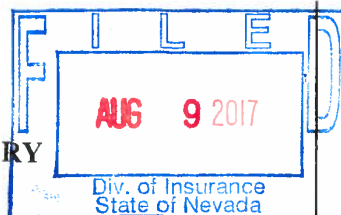
SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>LORI GRIFA ESQ ARCHER & GREINER PC COURT PLAZA SOUTH, WEST WING 21 MAIN STREET SUITE 353 HACKENSACK NJ 07601</p> <p>2. Article Number (Transfer from service label)</p> <p>7017 0660 0000 0056 1315</p>	<p>A. Signature <u>Joseph T. Alt</u></p> <p><input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Joseph T. Alt</u></p> <p>C. Date of Delivery <u>25-4-14</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input checked="" type="checkbox"/> Certified Mail®</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Mail Restricted Delivery</p>	<p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p>

PS Form 3811, July 2015 PSN 7530-02-000-9053

000124

AA000108

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE



IN THE MATTER OF:

CAUSE NO.: 17.0050

HOME WARRANTY ADMINISTRATOR
OF NEVADA, INC. dba CHOICE HOME
WARRANTY

**SUBPOENA FOR APPEARANCE AT
HEARING**

Respondent.

THE STATE OF NEVADA sends greetings to:

CHLOE STEWART
c/o Richard Yien, Deputy Attorney General
Office of the Attorney General, State of Nevada
100 N. Carson
Carson City, Nevada 89701
Phone: (775) 684-1129

YOU ARE HEREBY COMMANDED that, all and singular, business and excuses set aside, and pursuant to Nevada Revised Statutes ("NRS") 679B.340 and Nevada Administrative Code ("NAC") 679B.280, you appear and testify at the State of Nevada Division of Insurance, 1818 E. College Parkway, Suite 103, Carson City, Nevada 89706, on September 12 and 13, 2017 at the hearing of this matter. Your testimony will continue until concluded.

Failure to comply with this subpoena may be deemed a violation of NRS 679B.340, said violation being a misdemeanor, subjecting the violator to such action or sanctions as determined by an appropriate court of law.

SO ORDERED this 9th day of August, 2017.


ALEXIA M. EMMERMANN
Hearing Officer

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that I have on this date served the **SUBPOENA FOR**
3 **APPEARANCE AT HEARING** via electronic mail, and by mailing a true and correct copy
4 thereof, properly addressed with postage prepaid, certified mail return receipt requested, to the
5 following:

6 KIRK B. LENHARD, ESQ., Nevada Bar No. 1437
7 klenhard@bhfs.com
8 TRAVIS F. CHANCE, ESQ., Nevada Bar No. 13800
9 tchance@bhfs.com
10 BROWNSTEIN HYATT FARBER SCHRECK, LLP
11 100 North City Parkway, Suite 1600
12 Las Vegas, NV 89106-4614
13 CERTIFIED MAIL NO. 7017 0660 0000 0056 1322

14 LORI GRIFA, ESQ., NJ Bar No. 011551989
15 lgrifa@archerlaw.com
16 ARCHER & GREINER, P.C.
17 Court Plaza South, West Wing
18 21 Main Street, Suite 353
19 Hackensack, NJ 07601
20 CERTIFIED MAIL NO. 7017 0660 0000 0056 1315

*Attorneys for Respondent Home Warranty Administrator
of Nevada, Inc. dba Choice Home Warranty*


21 and, the originals of the foregoing were hand-delivered to:

22 Alexia M. Emmermann, Esq.
23 Hearing Officer
24 Department of Business and Industry
25 Division of Insurance
26 1818 East College Parkway, Suite 103
27 Carson City, Nevada 89706

28 and, copies of the foregoing were sent via electronic mail to:

Richard Yien, Deputy Attorney General
Nevada Attorney General's Office
100 N. Carson Street
Carson City, Nevada 89701
Email: ryien@ag.nv.gov
Attorneys for the Division of Insurance

DATED this 9th day of August, 2017.



Employee of the State of Nevada
Department of Business and Industry
Division of Insurance

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com™.

7017 0660 0000 0056 1315

Certified Mail Fee \$ 992

Extra Services & Fees (check box, add fee as appropriate)

☒ Return Receipt (hardcopy) \$ 25.4-14

☐ Return Receipt (electronic) \$ 3813

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$


☐ Adult Signature Restricted Delivery \$

Postage

**LORI GRIFA ESQ
ARCHER & GREINER PC
COURT PLAZA SOUTH, WEST WING
21 MAIN STREET SUITE 353
HACKENSACK NJ 07601**

Postmark Here

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

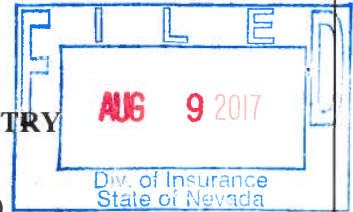
SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>LORI GRIFA ESQ ARCHER & GREINER PC COURT PLAZA SOUTH, WEST WING 21 MAIN STREET SUITE 353 HACKENSACK NJ 07601</p> <p></p> <p>9590 9402 2940 7094 9296 45</p> <p>2. Article Number (Transfer from service label)</p> <p>7017 0660 0000 0056 1315</p>	<p>A. Signature <u>Joseph T. Telt</u></p> <p><input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Joseph T. Telt</u></p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input checked="" type="checkbox"/> Certified Mail®</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Mail Restricted Delivery</p>	<p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p>

PS Form 3811, July 2015 PSN 7530-02-000-9053 646 17.0050 4R 8-9 Domestic Return Receipt

000128

AA000112

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE



IN THE MATTER OF:

CAUSE NO.: 17.0050

HOME WARRANTY ADMINISTRATOR
OF NEVADA, INC. dba CHOICE HOME
WARRANTY

**SUBPOENA FOR APPEARANCE AT
HEARING**

Respondent.

THE STATE OF NEVADA sends greetings to:

DERRICK DENNIS
c/o Richard Yien, Deputy Attorney General
Office of the Attorney General, State of Nevada
100 N. Carson
Carson City, Nevada 89701
Phone: (775) 684-1129

YOU ARE HEREBY COMMANDED that, all and singular, business and excuses set aside, and pursuant to Nevada Revised Statutes ("NRS") 679B.340 and Nevada Administrative Code ("NAC") 679B.280, you appear and testify at the State of Nevada Division of Insurance, 1818 E. College Parkway, Suite 103, Carson City, Nevada 89706, on September 12 and 13, 2017 at the hearing of this matter. Your testimony will continue until concluded.

Failure to comply with this subpoena may be deemed a violation of NRS 679B.340, said violation being a misdemeanor, subjecting the violator to such action or sanctions as determined by an appropriate court of law.

SO ORDERED this 9th day of August, 2017.


ALEXIA M. EMMERMANN
Hearing Officer

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that I have on this date served the **SUBPOENA FOR**
3 **APPEARANCE AT HEARING** via electronic mail, and by mailing a true and correct copy
4 thereof, properly addressed with postage prepaid, certified mail return receipt requested, to the
5 following:

6 KIRK B. LENHARD, ESQ., Nevada Bar No. 1437
7 klenhard@bhfs.com
8 TRAVIS F. CHANCE, ESQ., Nevada Bar No. 13800
9 tchance@bhfs.com
10 BROWNSTEIN HYATT FARBER SCHRECK, LLP
11 100 North City Parkway, Suite 1600
12 Las Vegas, NV 89106-4614
13 CERTIFIED MAIL NO. 7017 0660 0000 0056 1322

14 LORI GRIFA, ESQ., NJ Bar No. 011551989
15 lgrifa@archerlaw.com
16 ARCHER & GREINER, P.C.
17 Court Plaza South, West Wing
18 21 Main Street, Suite 353
19 Hackensack, NJ 07601
20 CERTIFIED MAIL NO. 7017 0660 0000 0056 1315

*Attorneys for Respondent Home Warranty Administrator
of Nevada, Inc. dba Choice Home Warranty*


21 and, the originals of the foregoing were hand-delivered to:

22 Alexia M. Emmermann, Esq.
23 Hearing Officer
24 Department of Business and Industry
25 Division of Insurance
26 1818 East College Parkway, Suite 103
27 Carson City, Nevada 89706

28 and, copies of the foregoing were sent via electronic mail to:

Richard Yien, Deputy Attorney General
Nevada Attorney General's Office
100 N. Carson Street
Carson City, Nevada 89701
Email: ryien@ag.nv.gov
Attorneys for the Division of Insurance

DATED this 9th day of August, 2017.



Employee of the State of Nevada
Department of Business and Industry
Division of Insurance

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com™.

7017 0660 0000 0056 1315

Certified Mail Fee \$ 992

Extra Services & Fees (check box, add fee as appropriate)

☒ Return Receipt (hardcopy) \$ 25.4-14

☐ Return Receipt (electronic) \$ 3813

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postage

**LORI GRIFA ESQ
ARCHER & GREINER PC
COURT PLAZA SOUTH, WEST WING
21 MAIN STREET SUITE 353
HACKENSACK NJ 07601**

Postmark Here

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>LORI GRIFA ESQ ARCHER & GREINER PC COURT PLAZA SOUTH, WEST WING 21 MAIN STREET SUITE 353 HACKENSACK NJ 07601</p> <p>2. Article Number (Transfer from service label)</p> <p>7017 0660 0000 0056 1315</p>	<p>A. Signature <u>Joseph T. Alt</u></p> <p><input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Joseph T. Alt</u></p> <p>C. Date of Delivery <u>APR 10 2017</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input checked="" type="checkbox"/> Certified Mail®</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Mail Restricted Delivery</p>	<p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p>

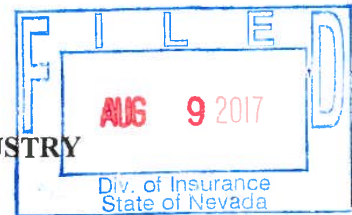
PS Form 3811, July 2015 PSN 7530-02-000-9053 646 17.0050 4R 8-9 Domestic Return Receipt

000132

AA000116

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE



IN THE MATTER OF:

CAUSE NO.: 17.0050

HOME WARRANTY ADMINISTRATOR
OF NEVADA, INC. dba CHOICE HOME
WARRANTY

**SUBPOENA FOR APPEARANCE AT
HEARING**

Respondent.

THE STATE OF NEVADA sends greetings to:

GEOFFREY HUNT
c/o Richard Yien, Deputy Attorney General
Office of the Attorney General, State of Nevada
100 N. Carson
Carson City, Nevada 89701
Phone: (775) 684-1129

YOU ARE HEREBY COMMANDED that, all and singular, business and excuses set aside, and pursuant to Nevada Revised Statutes ("NRS") 679B.340 and Nevada Administrative Code ("NAC") 679B.280, you appear and testify at the State of Nevada Division of Insurance, 1818 E. College Parkway, Suite 103, Carson City, Nevada 89706, on September 12 and 13, 2017 at the hearing of this matter. Your testimony will continue until concluded.

Failure to comply with this subpoena may be deemed a violation of NRS 679B.340, said violation being a misdemeanor, subjecting the violator to such action or sanctions as determined by an appropriate court of law.

SO ORDERED this 9th day of August, 2017.


ALEXIA M. EMMERMANN
Hearing Officer

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that I have on this date served the **SUBPOENA FOR**
3 **APPEARANCE AT HEARING** via electronic mail, and by mailing a true and correct copy
4 thereof, properly addressed with postage prepaid, certified mail return receipt requested, to the
5 following:

6 KIRK B. LENHARD, ESQ., Nevada Bar No. 1437
7 klenhard@bhfs.com
8 TRAVIS F. CHANCE, ESQ., Nevada Bar No. 13800
9 tchance@bhfs.com
10 BROWNSTEIN HYATT FARBER SCHRECK, LLP
11 100 North City Parkway, Suite 1600
12 Las Vegas, NV 89106-4614
13 CERTIFIED MAIL NO. 7017 0660 0000 0056 1322

14 LORI GRIFA, ESQ., NJ Bar No. 011551989
15 lgrifa@archerlaw.com
16 ARCHER & GREINER, P.C.
17 Court Plaza South, West Wing
18 21 Main Street, Suite 353
19 Hackensack, NJ 07601
20 CERTIFIED MAIL NO. 7017 0660 0000 0056 1315

*Attorneys for Respondent Home Warranty Administrator
of Nevada, Inc. dba Choice Home Warranty*


21 and, the originals of the foregoing were hand-delivered to:

22 Alexia M. Emmermann, Esq.
23 Hearing Officer
24 Department of Business and Industry
25 Division of Insurance
26 1818 East College Parkway, Suite 103
27 Carson City, Nevada 89706

28 and, copies of the foregoing were sent via electronic mail to:

Richard Yien, Deputy Attorney General
Nevada Attorney General's Office
100 N. Carson Street
Carson City, Nevada 89701
Email: ryien@ag.nv.gov
Attorneys for the Division of Insurance

DATED this 9th day of August, 2017.



Employee of the State of Nevada
Department of Business and Industry
Division of Insurance

7017 0660 0000 0056 1322

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

DIV OF INS. AUG 17 0050 6K

Certified Mail Fee \$ 7.92

Extra Services & Fees (check box, add fee as appropriate)

☒ Return Receipt (hardcopy) \$ 3.80

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postmark Here

KIRK B LENHARD ESQ
TRAVIS F CHANCE ESQ
BROWNSTEIN HYATT FARBER SCHRECK LLP
100 NORTH CITY PARKWAY STE 1600
LAS VEGAS NV 89106-4614

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

■ Complete items 1, 2, and 3.
■ Print your name and address on the reverse so that we can return the card to you.
■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

KIRK B LENHARD ESQ
TRAVIS F CHANCE ESQ
BROWNSTEIN HYATT FARBER SCHRECK LLP
100 NORTH CITY PARKWAY STE 1600
LAS VEGAS NV 89106-4614

2. Article Number (Transfer from service label)

7017 0660 0000 0056 1322

3. Service Type

☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Mail
☐ Mail Restricted Delivery

☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

AUG 14 2017

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

PS Form 3811, July 2015 PSN 7530-02-000-9053 LGL 17.0050 6K 8-9 Domestic Return Receipt

000135

AA000119

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com™.

Certified Mail Fee \$ 992

Extra Services & Fees (check box, add fee as appropriate)

☒ Return Receipt (hardcopy) \$ 3813

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postage

Postmark Here

**LORI GRIFA ESQ
ARCHER & GREINER PC
COURT PLAZA SOUTH, WEST WING
21 MAIN STREET SUITE 353
HACKENSACK NJ 07601**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

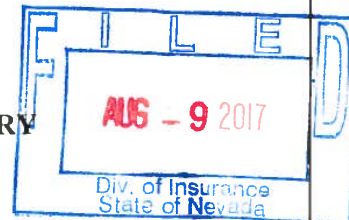
SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>LORI GRIFA ESQ ARCHER & GREINER PC COURT PLAZA SOUTH, WEST WING 21 MAIN STREET SUITE 353 HACKENSACK NJ 07601</p> <p>2. Article Number (Transfer from service label)</p> <p>7017 0660 0000 0056 1315</p>	<p>A. Signature <u>Joseph T. Alt</u></p> <p><input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Joseph T. Alt</u></p> <p>C. Date of Delivery <u>25-4-14</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input checked="" type="checkbox"/> Certified Mail®</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Mail Restricted Delivery</p>	<p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p>

PS Form 3811, July 2015 PSN 7530-02-000-9053

000136

AA000120

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE



IN THE MATTER OF:

CAUSE NO.: 17.0050

HOME WARRANTY ADMINISTRATOR
OF NEVADA, INC. dba CHOICE HOME
WARRANTY

**SUBPOENA FOR APPEARANCE AT
HEARING**

Respondent.

THE STATE OF NEVADA sends greetings to:

LINDA STRATTON
c/o Richard Yien, Deputy Attorney General
Office of the Attorney General, State of Nevada
100 N. Carson
Carson City, Nevada 89701
Phone: (775) 684-1129

YOU ARE HEREBY COMMANDED that, all and singular, business and excuses set aside, and pursuant to Nevada Revised Statutes ("NRS") 679B.340 and Nevada Administrative Code ("NAC") 679B.280, you appear and testify at the State of Nevada Division of Insurance, 1818 E. College Parkway, Suite 103, Carson City, Nevada 89706, on September 12 and 13, 2017 at the hearing of this matter. Your testimony will continue until concluded.

Failure to comply with this subpoena may be deemed a violation of NRS 679B.340, said violation being a misdemeanor, subjecting the violator to such action or sanctions as determined by an appropriate court of law.

SO ORDERED this 9th day of August, 2017.


ALEXIA M. EMMERMANN
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have on this date served the **SUBPOENA FOR APPEARANCE AT HEARING** via electronic mail, and by mailing a true and correct copy thereof, properly addressed with postage prepaid, certified mail return receipt requested, to the following:

KIRK B. LENHARD, ESQ., Nevada Bar No. 1437
klenhard@bhfs.com
TRAVIS F. CHANCE, ESQ., Nevada Bar No. 13800
tchance@bhfs.com
BROWNSTEIN HYATT FARBER SCHRECK, LLP
100 North City Parkway, Suite 1600
Las Vegas, NV 89106-4614
CERTIFIED MAIL NO. 7017 0660 0000 0056 1322

LORI GRIFA, ESQ., NJ Bar No. 011551989
lgrifa@archerlaw.com
ARCHER & GREINER, P.C.
Court Plaza South, West Wing
21 Main Street, Suite 353
Hackensack, NJ 07601
CERTIFIED MAIL NO. 7017 0660 0000 0056 1315

*Attorneys for Respondent Home Warranty Administrator
of Nevada, Inc. dba Choice Home Warranty*


and, the originals of the foregoing were hand-delivered to:

Alexia M. Emmermann, Esq.
Hearing Officer
Department of Business and Industry
Division of Insurance
1818 East College Parkway, Suite 103
Carson City, Nevada 89706

and, copies of the foregoing were sent via electronic mail to:

Richard Yien, Deputy Attorney General
Nevada Attorney General's Office
100 N. Carson Street
Carson City, Nevada 89701
Email: ryien@ag.nv.gov
Attorneys for the Division of Insurance

DATED this 9th day of August, 2017.



Employee of the State of Nevada
Department of Business and Industry
Division of Insurance

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com™.

7017 0660 0000 0056 1315

Certified Mail Fee \$ 992

Extra Services & Fees (check box, add fee as appropriate)

☒ Return Receipt (hardcopy) \$ 3813

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$


☐ Adult Signature Restricted Delivery \$

Postage

Postmark Here

**LORI GRIFA ESQ
ARCHER & GREINER PC
COURT PLAZA SOUTH, WEST WING
21 MAIN STREET SUITE 353
HACKENSACK NJ 07601**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>LORI GRIFA ESQ ARCHER & GREINER PC COURT PLAZA SOUTH, WEST WING 21 MAIN STREET SUITE 353 HACKENSACK NJ 07601</p> <p></p> <p>9590 9402 2940 7094 9296 45</p> <p>2. Article Number (Transfer from service label)</p> <p>7017 0660 0000 0056 1315</p>	<p>A. Signature <u>Joseph T. Telt</u></p> <p><input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Joseph T. Telt</u></p> <p>C. Date of Delivery <u>25-4-14</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input checked="" type="checkbox"/> Certified Mail®</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Mail Restricted Delivery</p>	<p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p>

PS Form 3811, July 2015 PSN 7530-02-000-9053 646 17.0050 4R 8-9 Domestic Return Receipt

000144

AA000124

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE



IN THE MATTER OF:

CAUSE NO.: 17.0050

HOME WARRANTY ADMINISTRATOR
OF NEVADA, INC. dba CHOICE HOME
WARRANTY

**SUBPOENA FOR APPEARANCE AT
HEARING**

Respondent.

THE STATE OF NEVADA sends greetings to:

**THE STATE OF NEVADA, DIVISION OF INSURANCE PERSON MOST
KNOWLEDGEABLE AS TO THE CREATION OF THE DIVISION'S ANNUAL
RENEWAL APPLICATION FORMS**

c/o Richard Yien, Deputy Attorney General
Office of the Attorney General, State of Nevada
100 N. Carson
Carson City, Nevada 89701
Phone: (775) 684-1129

YOU ARE HEREBY COMMANDED that, all and singular, business and excuses set aside, and pursuant to Nevada Revised Statutes ("NRS") 679B.340 and Nevada Administrative Code ("NAC") 679B.280, you appear and testify at the State of Nevada Division of Insurance, 1818 E. College Parkway, Suite 103, Carson City, Nevada 89706, on September 12 and 13, 2017 at the hearing of this matter. Your testimony will continue until concluded.

Failure to comply with this subpoena may be deemed a violation of NRS 679B.340, said violation being a misdemeanor, subjecting the violator to such action or sanctions as determined by an appropriate court of law.

SO ORDERED this 9th day of August, 2017.


ALEXIA M. EMMERMANN
Hearing Officer

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that I have on this date served the **SUBPOENA FOR**
3 **APPEARANCE AT HEARING** via electronic mail, and by mailing a true and correct copy
4 thereof, properly addressed with postage prepaid, certified mail return receipt requested, to the
5 following:

6 KIRK B. LENHARD, ESQ., Nevada Bar No. 1437
7 klenhard@bhfs.com
8 TRAVIS F. CHANCE, ESQ., Nevada Bar No. 13800
9 tchance@bhfs.com
10 BROWNSTEIN HYATT FARBER SCHRECK, LLP
11 100 North City Parkway, Suite 1600
12 Las Vegas, NV 89106-4614
13 CERTIFIED MAIL NO. 7017 0660 0000 0056 1322

14 LORI GRIFA, ESQ., NJ Bar No. 011551989
15 lgrifa@archerlaw.com
16 ARCHER & GREINER, P.C.
17 Court Plaza South, West Wing
18 21 Main Street, Suite 353
19 Hackensack, NJ 07601
20 CERTIFIED MAIL NO. 7017 0660 0000 0056 1315

*Attorneys for Respondent Home Warranty Administrator
of Nevada, Inc. dba Choice Home Warranty*

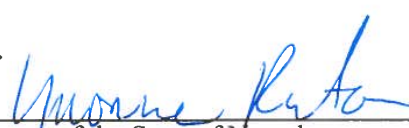
21 and, the originals of the foregoing were hand-delivered to:

22 Alexia M. Emmerman, Esq.
23 Hearing Officer
24 Department of Business and Industry
25 Division of Insurance
26 1818 East College Parkway, Suite 103
27 Carson City, Nevada 89706

28 and, copies of the foregoing were sent via electronic mail to:

Richard Yien, Deputy Attorney General
Nevada Attorney General's Office
100 N. Carson Street
Carson City, Nevada 89701
Email: ryien@ag.nv.gov
Attorneys for the Division of Insurance

29 DATED this 9th day of August, 2017.

30 

Employee of the State of Nevada
Department of Business and Industry
Division of Insurance

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com™.

7017 0660 0000 0056 1315

Certified Mail Fee \$ 992

Extra Services & Fees (check box, add fee as appropriate)

☒ Return Receipt (hardcopy) \$ 25.4-14

☐ Return Receipt (electronic) \$ 3813

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$


☐ Adult Signature Restricted Delivery \$

Postage

**LORI GRIFA ESQ
ARCHER & GREINER PC
COURT PLAZA SOUTH, WEST WING
21 MAIN STREET SUITE 353
HACKENSACK NJ 07601**

Postmark Here

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

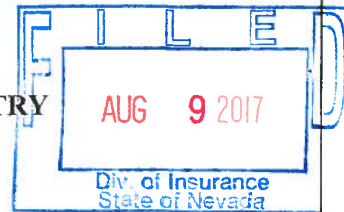
SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>LORI GRIFA ESQ ARCHER & GREINER PC COURT PLAZA SOUTH, WEST WING 21 MAIN STREET SUITE 353 HACKENSACK NJ 07601</p> <p></p> <p>9590 9402 2940 7094 9296 45</p> <p>2. Article Number (Transfer from service label)</p> <p>7017 0660 0000 0056 1315</p>	<p>A. Signature <u>Joseph T. Alt</u></p> <p><input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Joseph T. Alt</u></p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input checked="" type="checkbox"/> Certified Mail®</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Mail Restricted Delivery</p>	<p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p>

PS Form 3811, July 2015 PSN 7530-02-000-9053 646 17.0050 4R 8-9 Domestic Return Receipt

000160

AA000128

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE



IN THE MATTER OF:

CAUSE NO.: 17.0050

HOME WARRANTY ADMINISTRATOR
OF NEVADA, INC. dba CHOICE HOME
WARRANTY

**SUBPOENA FOR APPEARANCE AT
HEARING**

Respondent.

THE STATE OF NEVADA sends greetings to:

**THE STATE OF NEVADA, DIVISION OF INSURANCE PERSON MOST
KNOWLEDGEABLE AS TO THE DATE OF THE DIVISION'S KNOWLEDGE
OF THE VIOLATIONS SET FORTH IN THE DIVISION'S COMPLAINT
ON FILE IN THIS CAUSE**

c/o Richard Yien, Deputy Attorney General
Office of the Attorney General, State of Nevada
100 N. Carson
Carson City, Nevada 89701
Phone: (775) 684-1129

YOU ARE HEREBY COMMANDED that, all and singular, business and excuses set aside, and pursuant to Nevada Revised Statutes ("NRS") 679B.340 and Nevada Administrative Code ("NAC") 679B.280, you appear and testify at the State of Nevada Division of Insurance, 1818 E. College Parkway, Suite 103, Carson City, Nevada 89706, on September 12 and 13, 2017 at the hearing of this matter. Your testimony will continue until concluded.

Failure to comply with this subpoena may be deemed a violation of NRS 679B.340, said violation being a misdemeanor, subjecting the violator to such action or sanctions as determined by an appropriate court of law.

SO ORDERED this 9th day of August, 2017.

A handwritten signature in blue ink, appearing to read "Alexia M. Emmermann", written over a horizontal line.

ALEXIA M. EMMERMANN
Hearing Officer

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that I have on this date served the **SUBPOENA FOR**
3 **APPEARANCE AT HEARING** via electronic mail, and by mailing a true and correct copy
4 thereof, properly addressed with postage prepaid, certified mail return receipt requested, to the
5 following:

6 KIRK B. LENHARD, ESQ., Nevada Bar No. 1437
7 klenhard@bhfs.com
8 TRAVIS F. CHANCE, ESQ., Nevada Bar No. 13800
9 tchance@bhfs.com
10 BROWNSTEIN HYATT FARBER SCHRECK, LLP
11 100 North City Parkway, Suite 1600
12 Las Vegas, NV 89106-4614
13 CERTIFIED MAIL NO. 7017 0660 0000 0056 1322

14 LORI GRIFA, ESQ., NJ Bar No. 011551989
15 lgrifa@archerlaw.com
16 ARCHER & GREINER, P.C.
17 Court Plaza South, West Wing
18 21 Main Street, Suite 353
19 Hackensack, NJ 07601
20 CERTIFIED MAIL NO. 7017 0660 0000 0056 1315

*Attorneys for Respondent Home Warranty Administrator
of Nevada, Inc. dba Choice Home Warranty*

21 and, the originals of the foregoing were hand-delivered to:

22 Alexia M. Emmermann, Esq.
23 Hearing Officer
24 Department of Business and Industry
25 Division of Insurance
26 1818 East College Parkway, Suite 103
27 Carson City, Nevada 89706

28 and, copies of the foregoing were sent via electronic mail to:

Richard Yien, Deputy Attorney General
Nevada Attorney General's Office
100 N. Carson Street
Carson City, Nevada 89701
Email: ryien@ag.nv.gov
Attorneys for the Division of Insurance

25 DATED this 9th day of August, 2017.

26 
27 _____
28 Employee of the State of Nevada
Department of Business and Industry
Division of Insurance

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

7017 0660 0000 0056 1322

DIV OF INS. AUG 17 0050 5K

Certified Mail Fee \$ 7.92

Extra Services & Fees (check box, add fee as appropriate)

☒ Return Receipt (hardcopy) \$ 3.81

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postmark Here

**KIRK B LENHARD ESQ
TRAVIS F CHANCE ESQ
BROWNSTEIN HYATT FARBER SCHRECK LLP
100 NORTH CITY PARKWAY STE 1600
LAS VEGAS NV 89106-4614**

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

■ Complete items 1, 2, and 3.
■ Print your name and address on the reverse so that we can return the card to you.
■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

KIRK B LENHARD ESQ
TRAVIS F CHANCE ESQ
BROWNSTEIN HYATT FARBER SCHRECK LLP
100 NORTH CITY PARKWAY STE 1600
LAS VEGAS NV 89106-4614

2. Article Number (Transfer from service label)

7017 0660 0000 0056 1322

3. Service Type

☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Mail
☐ Mail Restricted Delivery

☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

AUG 14 2017

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

PS Form 3811, July 2015 PSN 7530-02-000-9053 **66L 17.0050 5K 8-9** Domestic Return Receipt

000163

AA000131

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com™.

7017 0660 0000 0056 1315

Certified Mail Fee \$ 992

Extra Services & Fees (check box, add fee as appropriate)

☒ Return Receipt (hardcopy) \$ 25.4-14

☐ Return Receipt (electronic) \$ 3813

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$


☐ Adult Signature Restricted Delivery \$

Postage

**LORI GRIFA ESQ
ARCHER & GREINER PC
COURT PLAZA SOUTH, WEST WING
21 MAIN STREET SUITE 353
HACKENSACK NJ 07601**

Postmark Here

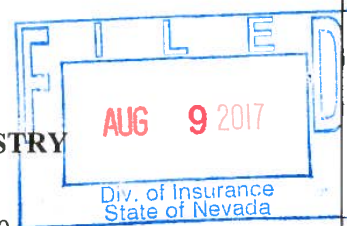
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to: LORI GRIFA ESQ ARCHER & GREINER PC COURT PLAZA SOUTH, WEST WING 21 MAIN STREET SUITE 353 HACKENSACK NJ 07601</p> <p> 9590 9402 2940 7094 9296 45</p> <p>2. Article Number (Transfer from service label) 7017 0660 0000 0056 1315</p>	<p>A. Signature <u>Joseph T. Telt</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X <u>Joseph T. Telt</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Joseph T. Telt</u> C. Date of Delivery <u>APR 17 2017</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Mail <input type="checkbox"/> Restricted Delivery</p> <p><input type="checkbox"/> Mail Restricted Delivery</p>
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>	<p>Domestic Return Receipt</p>

000164

AA000132

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE



IN THE MATTER OF:

CAUSE NO.: 17.0050

HOME WARRANTY ADMINISTRATOR
OF NEVADA, INC. dba CHOICE HOME
WARRANTY

**SUBPOENA FOR APPEARANCE AT
HEARING**

Respondent.

THE STATE OF NEVADA sends greetings to:

VICKI FOLSTER
c/o Richard Yien, Deputy Attorney General
Office of the Attorney General, State of Nevada
100 N. Carson
Carson City, Nevada 89701
Phone: (775) 684-1129

YOU ARE HEREBY COMMANDED that, all and singular, business and excuses set aside, and pursuant to Nevada Revised Statutes ("NRS") 679B.340 and Nevada Administrative Code ("NAC") 679B.280, you appear and testify at the State of Nevada Division of Insurance, 1818 E. College Parkway, Suite 103, Carson City, Nevada 89706, on September 12 and 13, 2017 at the hearing of this matter. Your testimony will continue until concluded.

Failure to comply with this subpoena may be deemed a violation of NRS 679B.340, said violation being a misdemeanor, subjecting the violator to such action or sanctions as determined by an appropriate court of law.

SO ORDERED this 9th day of August, 2017.


ALEXIA M. EMMERMANN
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have on this date served the **SUBPOENA FOR APPEARANCE AT HEARING** via electronic mail, and by mailing a true and correct copy thereof, properly addressed with postage prepaid, certified mail return receipt requested, to the following:

KIRK B. LENHARD, ESQ., Nevada Bar No. 1437
klenhard@bhfs.com
TRAVIS F. CHANCE, ESQ., Nevada Bar No. 13800
tchance@bhfs.com
BROWNSTEIN HYATT FARBER SCHRECK, LLP
100 North City Parkway, Suite 1600
Las Vegas, NV 89106-4614
CERTIFIED MAIL NO. 7017 0660 0000 0056 1322

LORI GRIFA, ESQ., NJ Bar No. 011551989
lgrifa@archerlaw.com
ARCHER & GREINER, P.C.
Court Plaza South, West Wing
21 Main Street, Suite 353
Hackensack, NJ 07601
CERTIFIED MAIL NO. 7017 0660 0000 0056 1315

*Attorneys for Respondent Home Warranty Administrator
of Nevada, Inc. dba Choice Home Warranty*

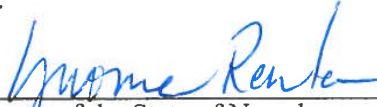
and, the originals of the foregoing were hand-delivered to:

Alexia M. Emmermann, Esq.
Hearing Officer
Department of Business and Industry
Division of Insurance
1818 East College Parkway, Suite 103
Carson City, Nevada 89706

and, copies of the foregoing were sent via electronic mail to:

Richard Yien, Deputy Attorney General
Nevada Attorney General's Office
100 N. Carson Street
Carson City, Nevada 89701
Email: ryien@ag.nv.gov
Attorneys for the Division of Insurance

DATED this 9th day of August, 2017.



Employee of the State of Nevada
Department of Business and Industry
Division of Insurance

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com™.

7017 0660 0000 0056 1315

Certified Mail Fee \$ 992

Extra Services & Fees (check box, add fee as appropriate)

☒ Return Receipt (hardcopy) \$ 25.4-14

☐ Return Receipt (electronic) \$ 3813

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$


☐ Adult Signature Restricted Delivery \$

Postage

**LORI GRIFA ESQ
ARCHER & GREINER PC
COURT PLAZA SOUTH, WEST WING
21 MAIN STREET SUITE 353
HACKENSACK NJ 07601**

Postmark Here

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to: LORI GRIFA ESQ ARCHER & GREINER PC COURT PLAZA SOUTH, WEST WING 21 MAIN STREET SUITE 353 HACKENSACK NJ 07601</p> <p> 9590 9402 2940 7094 9296 45</p> <p>2. Article Number (Transfer from service label) 7017 0660 0000 0056 1315</p>	<p>A. Signature <u>Joseph T. Alt</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X <u>Joseph T. Alt</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Joseph T. Alt</u> C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input checked="" type="checkbox"/> Certified Mail®</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Mail Restricted Delivery</p>	<p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p>
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053 <u>646 17.0050 4R 8-9</u> Domestic Return Receipt</p>	

000156

AA000136

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE



IN THE MATTER OF:

CAUSE NO.: 17.0050

HOME WARRANTY ADMINISTRATOR
OF NEVADA, INC. dba CHOICE HOME
WARRANTY

**SUBPOENA FOR APPEARANCE AT
HEARING**

Respondent.

THE STATE OF NEVADA sends greetings to:

KIM KUHLMAN
c/o Richard Yien, Deputy Attorney General
Office of the Attorney General, State of Nevada
100 N. Carson
Carson City, Nevada 89701
Phone: (775) 684-1129

YOU ARE HEREBY COMMANDED that, all and singular, business and excuses set aside, and pursuant to Nevada Revised Statutes ("NRS") 679B.340 and Nevada Administrative Code ("NAC") 679B.280, you appear and testify at the State of Nevada Division of Insurance, 1818 E. College Parkway, Suite 103, Carson City, Nevada 89706, on September 12 and 13, 2017 at the hearing of this matter. Your testimony will continue until concluded.

Failure to comply with this subpoena may be deemed a violation of NRS 679B.340, said violation being a misdemeanor, subjecting the violator to such action or sanctions as determined by an appropriate court of law.

SO ORDERED this 9th day of August, 2017.


ALEXIA M. EMMERMANN
Hearing Officer

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that I have on this date served the **SUBPOENA FOR**
3 **APPEARANCE AT HEARING** via electronic mail, and by mailing a true and correct copy
4 thereof, properly addressed with postage prepaid, certified mail return receipt requested, to the
5 following:

6 KIRK B. LENHARD, ESQ., Nevada Bar No. 1437
7 klenhard@bhfs.com
8 TRAVIS F. CHANCE, ESQ., Nevada Bar No. 13800
9 tchance@bhfs.com
10 BROWNSTEIN HYATT FARBER SCHRECK, LLP
11 100 North City Parkway, Suite 1600
12 Las Vegas, NV 89106-4614
13 CERTIFIED MAIL NO. 7017 0660 0000 0056 1322

14 LORI GRIFA, ESQ., NJ Bar No. 011551989
15 lgrifa@archerlaw.com
16 ARCHER & GREINER, P.C.
17 Court Plaza South, West Wing
18 21 Main Street, Suite 353
19 Hackensack, NJ 07601
20 CERTIFIED MAIL NO. 7017 0660 0000 0056 1315

*Attorneys for Respondent Home Warranty Administrator
of Nevada, Inc. dba Choice Home Warranty*

21 and, the originals of the foregoing were hand-delivered to:

22 Alexia M. Emmerman, Esq.
23 Hearing Officer
24 Department of Business and Industry
25 Division of Insurance
26 1818 East College Parkway, Suite 103
27 Carson City, Nevada 89706

28 and, copies of the foregoing were sent via electronic mail to:

Richard Yien, Deputy Attorney General
Nevada Attorney General's Office
100 N. Carson Street
Carson City, Nevada 89701
Email: ryien@ag.nv.gov
Attorneys for the Division of Insurance

DATED this 9th day of August, 2017.



Employee of the State of Nevada
Department of Business and Industry
Division of Insurance

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

7017 0660 0000 0056 1322

792 **3813** **8-9**

5850 **2107** **9114**

Certified Mail Fee \$ **7.92**

Extra Services & Fees (check box, add fee as appropriate)

☒ Return Receipt (hardcopy) \$ **2.80**

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

**KIRK B LENHARD ESQ
TRAVIS F CHANCE ESQ
BROWNSTEIN HYATT FARBER SCHRECK LLP
100 NORTH CITY PARKWAY STE 1600
LAS VEGAS NV 89106-4614**

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

■ Complete items 1, 2, and 3.
■ Print your name and address on the reverse so that we can return the card to you.
■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**KIRK B LENHARD ESQ
TRAVIS F CHANCE ESQ
BROWNSTEIN HYATT FARBER SCHRECK LLP
100 NORTH CITY PARKWAY STE 1600
LAS VEGAS NV 89106-4614**

9590 9402 2940 7094 9296 52

2. Article Number (Transfer from service label)

7017 0660 0000 0056 1322

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Addressee

X

B. Received by (Printed Name) **C. Date of Delivery**

AUG 14 2017

D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

3. Service Type

☐ Adult Signature ☐ Priority Mail Express®
☐ Adult Signature Restricted Delivery ☐ Registered Mail™
☒ Certified Mail® ☐ Registered Mail Restricted Delivery
☐ Certified Mail Restricted Delivery ☐ Return Receipt for Merchandise
☐ Collect on Delivery ☐ Signature Confirmation™
☐ Collect on Delivery Restricted Delivery ☐ Signature Confirmation Restricted Delivery
☐ Mail ☐ Mail Restricted Delivery

Domestic Return Receipt

000139

AA000139

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com™.

7017 0660 0000 0056 1315

Certified Mail Fee \$ 992

Extra Services & Fees (check box, add fee as appropriate)

☒ Return Receipt (hardcopy) \$ 25.4-14

☐ Return Receipt (electronic) \$ 3813

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$


Postage

**LORI GRIFA ESQ
ARCHER & GREINER PC
COURT PLAZA SOUTH, WEST WING
21 MAIN STREET SUITE 353
HACKENSACK NJ 07601**

Postmark
Here

See Reverse for Instructions

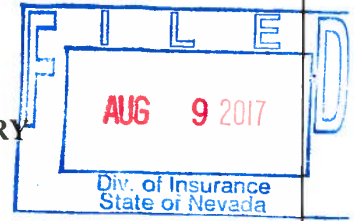
PS Form 3800, April 2015 PSN 7530-02-000-9047

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>LORI GRIFA ESQ ARCHER & GREINER PC COURT PLAZA SOUTH, WEST WING 21 MAIN STREET SUITE 353 HACKENSACK NJ 07601</p> <p style="text-align: center;"></p> <p style="text-align: center;">9590 9402 2940 7094 9296 45</p> <p>2. Article Number (Transfer from service label)</p> <p style="text-align: center;">7017 0660 0000 0056 1315</p>	<p>A. Signature <u>Joseph T. Alt</u></p> <p><input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Joseph T. Alt</u></p> <p>C. Date of Delivery <u>APR 17 2017</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Mail <input type="checkbox"/> Mail Restricted Delivery</p> <p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053 <u>APR 17 2017</u> Domestic Return Receipt</p>	

000140

AA000140

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE



IN THE MATTER OF:

CAUSE NO.: 17.0050

HOME WARRANTY ADMINISTRATOR
OF NEVADA, INC. dba CHOICE HOME
WARRANTY

**SUBPOENA FOR APPEARANCE AT
HEARING**

Respondent.

THE STATE OF NEVADA sends greetings to:

MARTIN REIS
8212 Green Clover Avenue
Las Vegas, NV 89149

YOU ARE HEREBY COMMANDED that, all and singular, business and excuses set aside, and pursuant to Nevada Revised Statutes ("NRS") 679B.340 and Nevada Administrative Code ("NAC") 679B.280, you appear and testify at the State of Nevada Division of Insurance, 1818 E. College Parkway, Suite 103, Carson City, Nevada 89706, on September 12 and 13, 2017 at the hearing of this matter. Your testimony will continue until concluded.

Failure to comply with this subpoena may be deemed a violation of NRS 679B.340, said violation being a misdemeanor, subjecting the violator to such action or sanctions as determined by an appropriate court of law.

SO ORDERED this 9th day of August, 2017.


ALEXIA M. EMMERMANN
Hearing Officer

1 CERTIFICATE OF SERVICE

2 I HEREBY CERTIFY that I have on this date served the **SUBPOENA FOR**
3 **APPEARANCE AT HEARING** via electronic mail, and by mailing a true and correct copy
4 thereof, properly addressed with postage prepaid, certified mail return receipt requested, to the
5 following:

6 KIRK B. LENHARD, ESQ., Nevada Bar No. 1437
7 klenhard@bhfs.com
8 TRAVIS F. CHANCE, ESQ., Nevada Bar No. 13800
9 tchance@bhfs.com
10 BROWNSTEIN HYATT FARBER SCHRECK, LLP
11 100 North City Parkway, Suite 1600
12 Las Vegas, NV 89106-4614
13 CERTIFIED MAIL NO. 7017 0660 0000 0056 1322

14 LORI GRIFA, ESQ., NJ Bar No. 011551989
15 lgrifa@archerlaw.com
16 ARCHER & GREINER, P.C.
17 Court Plaza South, West Wing
18 21 Main Street, Suite 353
19 Hackensack, NJ 07601
20 CERTIFIED MAIL NO. 7017 0660 0000 0056 1315

*Attorneys for Respondent Home Warranty Administrator
of Nevada, Inc. dba Choice Home Warranty*

21 and, the originals of the foregoing were hand-delivered to:

22 Alexia M. Emmermann, Esq.
23 Hearing Officer
24 Department of Business and Industry
25 Division of Insurance
26 1818 East College Parkway, Suite 103
27 Carson City, Nevada 89706

28 and, copies of the foregoing were sent via electronic mail to:

Richard Yien, Deputy Attorney General
Nevada Attorney General's Office
100 N. Carson Street
Carson City, Nevada 89701
Email: ryien@ag.nv.gov
Attorneys for the Division of Insurance

DATED this 9th day of August, 2017.

26 
27 _____
28 Employee of the State of Nevada
Department of Business and Industry
Division of Insurance

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

7017 0660 0000 0056 1322

792 **3813** **8-9**

5850 **2107** **9114**

662

Certified Mail Fee \$ **7.92**

Extra Services & Fees (check box, add fee as appropriate)

☒ Return Receipt (hardcopy) \$ **2.80**

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

KIRK B LENHARD ESQ
TRAVIS F CHANCE ESQ
BROWNSTEIN HYATT FARBER SCHRECK LLP
100 NORTH CITY PARKWAY STE 1600
LAS VEGAS NV 89106-4614

City, State, ZIP+4™


PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

■ Complete items 1, 2, and 3.
 ■ Print your name and address on the reverse so that we can return the card to you.
 ■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

KIRK B LENHARD ESQ
TRAVIS F CHANCE ESQ
BROWNSTEIN HYATT FARBER SCHRECK LLP
100 NORTH CITY PARKWAY STE 1600
LAS VEGAS NV 89106-4614



9590 9402 2940 7094 9296 52

2. Article Number (Transfer from service label)

7017 0660 0000 0056 1322

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Addressee

X

B. Received by (Printed Name) **C. Date of Delivery**

AUG 14 2017

D. Is delivery address different from item 1? ☐ Yes ☐ No

If YES, enter delivery address below:

3. Service Type

☐ Adult Signature ☐ Priority Mail Express®

☐ Adult Signature Restricted Delivery ☐ Registered Mail™

☒ Certified Mail® ☐ Registered Mail Restricted Delivery

☐ Certified Mail Restricted Delivery ☐ Return Receipt for Merchandise

☐ Collect on Delivery ☐ Signature Confirmation™

☐ Collect on Delivery Restricted Delivery ☐ Signature Confirmation Restricted Delivery

☐ Mail ☐ Mail Restricted Delivery

662 **3813** **8-9**

Domestic Return Receipt

000147

AA000143

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com™.

7017 0660 0000 0056 1315

Certified Mail Fee \$ 992

Extra Services & Fees (check box, add fee as appropriate)

☒ Return Receipt (hardcopy) \$ 25.4-14

☐ Return Receipt (electronic) \$ 3813

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$


☐ Adult Signature Restricted Delivery \$

Postage

**LORI GRIFA ESQ
ARCHER & GREINER PC
COURT PLAZA SOUTH, WEST WING
21 MAIN STREET SUITE 353
HACKENSACK NJ 07601**

Postmark Here

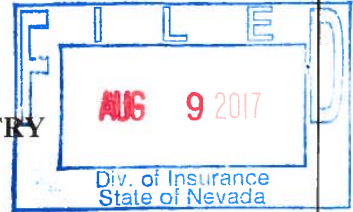
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>LORI GRIFA ESQ ARCHER & GREINER PC COURT PLAZA SOUTH, WEST WING 21 MAIN STREET SUITE 353 HACKENSACK NJ 07601</p> <p></p> <p>9590 9402 2940 7094 9296 45</p> <p>2. Article Number (Transfer from service label)</p> <p>7017 0660 0000 0056 1315</p>	<p>A. Signature <u>Joseph T. Telt</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X <u>Joseph T. Telt</u></p> <p>B. Received by (Printed Name) <u>Joseph T. Telt</u> C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p> <p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Mail <input type="checkbox"/> Restricted Delivery</p> <p><input type="checkbox"/> Mail Restricted Delivery</p>
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>	<p>Domestic Return Receipt</p>

000148

AA000144

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE



IN THE MATTER OF:

CAUSE NO.: 17.0050

HOME WARRANTY ADMINISTRATOR
OF NEVADA, INC. dba CHOICE HOME
WARRANTY

**SUBPOENA FOR APPEARANCE AT
HEARING**

Respondent.

THE STATE OF NEVADA sends greetings to:

MARY STRONG
c/o Richard Yien, Deputy Attorney General
Office of the Attorney General, State of Nevada
100 N. Carson
Carson City, Nevada 89701
Phone: (775) 684-1129

YOU ARE HEREBY COMMANDED that, all and singular, business and excuses set aside, and pursuant to Nevada Revised Statutes ("NRS") 679B.340 and Nevada Administrative Code ("NAC") 679B.280, you appear and testify at the State of Nevada Division of Insurance, 1818 E. College Parkway, Suite 103, Carson City, Nevada 89706, on September 12 and 13, 2017 at the hearing of this matter. Your testimony will continue until concluded.

Failure to comply with this subpoena may be deemed a violation of NRS 679B.340, said violation being a misdemeanor, subjecting the violator to such action or sanctions as determined by an appropriate court of law.

SO ORDERED this 9th day of August, 2017.


ALEXIA M. EMMERMANN
Hearing Officer

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that I have on this date served the **SUBPOENA FOR**
3 **APPEARANCE AT HEARING** via electronic mail, and by mailing a true and correct copy
4 thereof, properly addressed with postage prepaid, certified mail return receipt requested, to the
5 following:

6 KIRK B. LENHARD, ESQ., Nevada Bar No. 1437
7 klenhard@bhfs.com
8 TRAVIS F. CHANCE, ESQ., Nevada Bar No. 13800
9 tchance@bhfs.com
10 BROWNSTEIN HYATT FARBER SCHRECK, LLP
11 100 North City Parkway, Suite 1600
12 Las Vegas, NV 89106-4614
13 CERTIFIED MAIL NO. 7017 0660 0000 0056 1322

14 LORI GRIFA, ESQ., NJ Bar No. 011551989
15 lgrifa@archerlaw.com
16 ARCHER & GREINER, P.C.
17 Court Plaza South, West Wing
18 21 Main Street, Suite 353
19 Hackensack, NJ 07601
20 CERTIFIED MAIL NO. 7017 0660 0000 0056 1315

*Attorneys for Respondent Home Warranty Administrator
of Nevada, Inc. dba Choice Home Warranty*

21 and, the originals of the foregoing were hand-delivered to:

22 Alexia M. Emmermann, Esq.
23 Hearing Officer
24 Department of Business and Industry
25 Division of Insurance
26 1818 East College Parkway, Suite 103
27 Carson City, Nevada 89706

28 and, copies of the foregoing were sent via electronic mail to:

Richard Yien, Deputy Attorney General
Nevada Attorney General's Office
100 N. Carson Street
Carson City, Nevada 89701
Email: ryien@ag.nv.gov
Attorneys for the Division of Insurance

DATED this 9th day of August, 2017.



Employee of the State of Nevada
Department of Business and Industry
Division of Insurance

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

7017 0660 0000 0056 1322

792 **3813** **8-9**

5850 2107 9114

Certified Mail Fee \$ **7.92**

Extra Services & Fees (check box, add fee as appropriate)

☒ Return Receipt (hardcopy) \$ **2.80**

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

KIRK B LENHARD ESQ
TRAVIS F CHANCE ESQ
BROWNSTEIN HYATT FARBER SCHRECK LLP
100 NORTH CITY PARKWAY STE 1600
LAS VEGAS NV 89106-4614

City, State, ZIP+4®


PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

■ Complete items 1, 2, and 3.
 ■ Print your name and address on the reverse so that we can return the card to you.
 ■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

KIRK B LENHARD ESQ
TRAVIS F CHANCE ESQ
BROWNSTEIN HYATT FARBER SCHRECK LLP
100 NORTH CITY PARKWAY STE 1600
LAS VEGAS NV 89106-4614



9590 9402 2940 7094 9296 52

2. Article Number (Transfer from service label)

7017 0660 0000 0056 1322

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Addressee

X

B. Received by (Printed Name) **C. Date of Delivery**

AUG 14 2017

D. Is delivery address different from item 1? ☐ Yes ☐ No

If YES, enter delivery address below:

3. Service Type

☐ Adult Signature ☐ Priority Mail Express®

☐ Adult Signature Restricted Delivery ☐ Registered Mail™

☒ Certified Mail® ☐ Registered Mail Restricted Delivery

☐ Certified Mail Restricted Delivery ☐ Return Receipt for Merchandise

☐ Collect on Delivery ☐ Signature Confirmation™

☐ Collect on Delivery Restricted Delivery ☐ Signature Confirmation Restricted Delivery

☐ Mail ☐ Mail Restricted Delivery

662 17.0050 8-9

Domestic Return Receipt

000151

AA000147

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com™.

7017 0660 0000 0056 1315

Certified Mail Fee \$ 992

Extra Services & Fees (check box, add fee as appropriate)

☒ Return Receipt (hardcopy) \$ 25.4-14

☐ Return Receipt (electronic) \$ 3813

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$


☐ Adult Signature Restricted Delivery \$

Postage

**LORI GRIFA ESQ
ARCHER & GREINER PC
COURT PLAZA SOUTH, WEST WING
21 MAIN STREET SUITE 353
HACKENSACK NJ 07601**

Postmark Here

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>LORI GRIFA ESQ ARCHER & GREINER PC COURT PLAZA SOUTH, WEST WING 21 MAIN STREET SUITE 353 HACKENSACK NJ 07601</p> <p></p> <p>9590 9402 2940 7094 9296 45</p> <p>2. Article Number (Transfer from service label)</p> <p>7017 0660 0000 0056 1315</p>	<p>A. Signature <u>Joseph T. Telt</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X <u>Joseph T. Telt</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Joseph T. Telt</u> C. Date of Delivery <u>APR 17 2017</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p> <p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Mail <input type="checkbox"/> Restricted Delivery</p> <p><input type="checkbox"/> Mail Restricted Delivery</p>
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>	<p>Domestic Return Receipt</p>

000152

AA000148



Lori Grifa
Member of the New Jersey
and New York Bars
lgrifa@archerlaw.com
201-498-8510 Direct

Archer & Greiner, P.C.
Court Plaza South, West Wing
21 Main Street, Suite 353
Hackensack, NJ 07601-7095
201-342-6000 Main

www.archerlaw.com

August 16, 2017

By Electronic Mail Only c/o Yvonne Renta yrenta@doi.nv.gov

Alexia M. Emmermann, Esq.
Hearing Officer
Department of Business and Industry
Division of Insurance
1818 East College Parkway, Suite 103
Carson City, NV 89706



**Re: In the Matter of Home Warranty Administrator of Nevada Inc., d/b/a Choice
Home Warranty
Cause No.: 17.0050**

Dear Ms. Emmermann:

This firm represents the Respondent in the above captioned Cause, along with Kirk Lenhard, Esq. of the Bronstein Hyatt Farber Schreck, LLP, as local counsel. As the hearing date in this matter is presently set for September 12, 2017, we write on behalf of counsel for all parties to respectfully request that you set a firm date for a pre-hearing conference in this matter for September 8, 2017 at 10:30 am.

The purpose of this conference would be for counsel to meet, discuss and decide matters pertaining to witness order, marking and stipulation of exhibits, settlement and any other topics that would contribute to the orderly presentation of evidence before you.

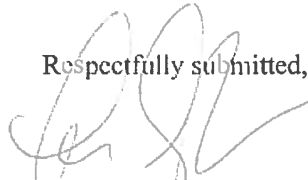
Respondent's principal, witnesses, and I will travel from New Jersey to participate in this proceeding. In light of the distance and expense associated with air travel and hotel accommodations, it would be most helpful if we could establish a firm date.

Kindly note that counsel for the Respondent and DAG Richard Yien for the Division of Insurance have conferred and agreed upon this date for the proceeding. If you deem it appropriate, I can forward a proposed form of Order for your review and signature.

Alexia M. Emmermann, Esq.
Hearing Officer
August 16, 2017
Page 2

If this date is inappropriate, kindly have Ms. Renta contact me about a different date in advance of September 12.

Respectfully submitted,



LORI GRIFA

c. K. Lenhard, Esq.; DAG Richard Yenta (by electronic mail)

213071036v1

000170

AA000150

Yvonne Renta

From: Grifa, Lori <lgrifa@archerlaw.com>
Sent: Wednesday, August 16, 2017 1:24 PM
To: Yvonne Renta
Cc: Lenhard, Kirk B.; Richard P. Yien
Subject: FW: CHW NV correspondence to A. Emmermann Esq. re: pre hearing conf. [IWOV-Archer.FID3911319]
Attachments: CHW Nv correspondence to JHO-c.pdf

Ms. Renta -

On behalf of counsel for the parties in this matter, we would ask that you deliver this to Ms. Emmermann at your earliest convenience.

Thank you.

Lori Grifa

Lori Grifa, Esq.

Archer & Greiner P.C.
Court Plaza South, West Wing
21 Main Street, Suite 353
Hackensack, NJ 07601-7095
Direct Dial: 201-498-8510
Fax: 201-342-6611
lgrifa@archerlaw.com
www.archerlaw.com

ARCHER

-----Original Message-----

From: Grifa, Lori [<mailto:lgrifa@archerlaw.com>]
Sent: Wednesday, August 16, 2017 4:21 PM
To: Grifa, Lori <lgrifa@archerlaw.com>
Cc: Grifa, Lori <lgrifa@archerlaw.com>
Subject: CHW Nv correspondence to a. Emmermannm Esq. re: pre hearing conf.

Lori Grifa, Esq.

Court Plaza South, West Wing
21 Main Street, Suite 353
Hackensack, NJ 07601-7095
Direct Dial: 201-498-8510
Fax: 201-342-6611

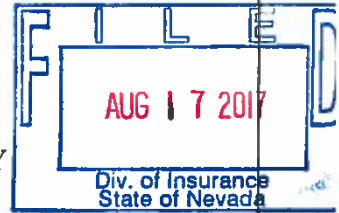
Archer & Greiner, P.C.

lgafa@archerlaw.com
www.archerlaw.com

ARCHER

INFORMATION CONTAINED IN THIS E-MAIL TRANSMISSION IS PRIVILEGED AND CONFIDENTIAL. IF YOU ARE NOT THE INTENDED RECIPIENT OF THIS EMAIL, DO NOT READ, DISTRIBUTE OR REPRODUCE THIS TRANSMISSION (INCLUDING ANY ATTACHMENTS). IF YOU HAVE RECEIVED THIS E-MAIL IN ERROR, PLEASE IMMEDIATELY NOTIFY THE SENDER BY TELEPHONE OR EMAIL REPLY.

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE



IN THE MATTER OF

CAUSE NO. 17.0050

HOME WARRANTY ADMINISTRATOR OF
NEVADA, INC. dba CHOICE HOME
WARRANTY,

Respondent.

ORDER SETTING PREHEARING CONFERENCE

On August 16, 2017, the Parties in this matter requested a prehearing conference be scheduled. "The purpose of this conference would be for counsel to meet, discuss and decide matters pertaining to witness order, marking and stipulation of exhibits, settlement and any other topics that would contribute to the orderly presentation of evidence" Letter from Lori Grifa on Behalf of Home Warranty Administrator, August 16, 2017.

Under Nevada Administrative Code ("NAC") 679B.260,

The hearing officer may . . . hold a prehearing conference for the purpose of formulating or simplifying the issues, obtaining admissions of fact and documents which will avoid unnecessary proof, arranging for the exchange of proposed exhibits or prepared expert testimony, limiting the number of witnesses and considering other matters which may permit rapid orderly conduct and disposition of the proceedings or settlements thereof.

NAC 679B.260. Accordingly, a prehearing conference will be held on **September 8, 2017 at 9:30 a.m.** at the office of the Division, located at 1818 East College Parkway, Carson City, Nevada 89706. Videoconferencing will be available to the Division's Las Vegas Office located at 3300 W. Sahara Avenue, Suite 275, Las Vegas, NV 89102. The prehearing conference will be moderated by the Hearing Officer and recorded by a court reporter. Matters that do not fall within the above-referenced tenets of NAC 679B.260 shall not be discussed or considered.

So ORDERED.

DATED this 17th day of August, 2017.


ALEXIA M. EMMERMANN
Hearing Officer

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I have this date served the **ORDER ON JOINT APPLICATION**
3 **TO CONDUCT DEPOSITION and ORDER SETTING PREHEARING CONFERENCE,**
4 in **CAUSE NO. 17.0050**, via electronic mail and by mailing a true and correct copy thereof,
5 properly addressed with postage prepaid, certified mail return receipt requested, to the
6 following:

7 Kirk B. Lenhard, Esq.
8 Brownstein Hyatt Farber Schreck, LLP
9 100 North City Parkway, Suite 1600
10 Las Vegas, NV 89106
11 E-MAIL: klenhard@bhfs.com
12 CERTIFIED MAIL NO. 7016 2140 0000 7181 7706

11 Travis F. Chance, Esq.
12 Brownstein Hyatt Farber Schreck, LLP
13 100 North City Parkway, Suite 1600
14 Las Vegas, NV 89106
15 E-MAIL: tchance@bhfs.com
16 CERTIFIED MAIL NO. 7016 2140 0000 7181 7713

14 Lori Grifa, Esq.
15 Archer & Greiner, P.C.
16 Court Plaza South, West Wing
17 21 Main Street, Suite 353
18 Hackensack, NJ 07601
19 E-MAIL: lgrifa@archerlaw.com
20 CERTIFIED MAIL NO. 7016 2140 0000 7181 7720

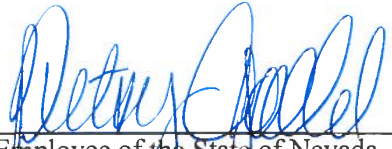
18 and the originals of the foregoing were hand-delivered to:

19 Alexia M. Emmermann, Esq.
20 Hearing Officer
21 Department of Business and Industry
22 Division of Insurance
23 1818 East College Parkway, Suite 103
24 Carson City, NV 89706

23 and copies of the foregoing were sent via electronic mail to:

24 Richard Yien, Deputy Attorney General
25 Nevada Attorney General's Office
26 E-MAIL: ryien@ag.nv.gov

27 DATED this 17th day of August, 2017.

28 
Employee of the State of Nevada
Department of Business and Industry
Division of Insurance 000180

Betsy Gould

From: Betsy Gould
Sent: Thursday, August 17, 2017 2:07 PM
To: klenhard@bhfs.com; tchance@bhfs.com; lgrifa@archerlaw.com; Richard Paili Yien (ryien@ag.nv.gov)
Subject: 17.0050 Order on Joint App to Conduct Deposition and Order Setting PHC
Attachments: 28 - Order on Joint Application to Conduct Deposition.pdf; 29 - Order Setting Prehearing Conference.pdf

Please see attached the Order on Joint Application to Conduct Deposition and the Order Setting Prehearing Conference regarding Home Warranty Administrator of Nevada, Inc. dba Choice Home Warranty.

Thank you.

Betsy Gould
Legal Secretary
Nevada Division of Insurance
T: 775-687-0705
bgould@doi.nv.gov
<http://doi.nv.gov/>

U.S. Postal ServiceTM
CERTIFIED MAIL[®] RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com[®]

DIV OF INS. 17.0050 B64
Certified Mail Fee \$ 652

Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage \$

Postmark
Here

Travis F. Chance, Esq.
Brownstein Hyatt Farber Schreck, LLP
100 North City Parkway, Suite 1600
Las Vegas, NV 89106

For instructions

7016 2140 0000 7181 7713

U.S. Postal ServiceTM
CERTIFIED MAIL[®] RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com[®]

DIV OF INS. 17.0050 B64
Certified Mail Fee \$ 652

Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage \$

Postmark
Here

Lori Grifa, Esq.
Archer & Greiner, P.C.
Court Plaza South, West Wing
21 Main Street, Suite 353
Hackensack, NJ 07601

For instructions

7016 2140 0000 7181 7720

U.S. Postal ServiceTM
CERTIFIED MAIL[®] RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com[®]

DIV OF INS. 17.0050 B64
Certified Mail Fee \$ 652

Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$


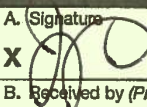
Postage \$



Postmark
Here

Kirk B. Lenhard, Esq.
Brownstein Hyatt Farber Schreck, LLP
100 North City Parkway, Suite 1600
Las Vegas, NV 89106

For instructions

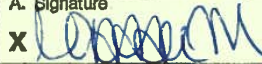

7016 2140 0000 7181 7706

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>Kirk B. Lenhard, Esq. Brownstein Hyatt Farber Schreck, LLP 100 North City Parkway, Suite 1600 Las Vegas, NV 89106</p>  <p>9590 9402 2940 7094 9290 27</p> <p>2. Article Number (Transfer from service label) 7016 2140 0000 7181 7706</p>	<p>A. Signature X </p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery AUG 21 2017</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p> <p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053 17.0050 BLG Domestic Return Receipt</p>	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>Travis F. Chance, Esq. Brownstein Hyatt Farber Schreck, LLP 100 North City Parkway, Suite 1600 Las Vegas, NV 89106</p>  <p>9590 9402 2940 7094 9290 34</p> <p>2. Article Number (Transfer from service label) 7016 2140 0000 7181 7713</p>	<p>A. Signature X </p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery AUG 21 2017</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p> <p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053 17.0050 BLG Domestic Return Receipt</p>	

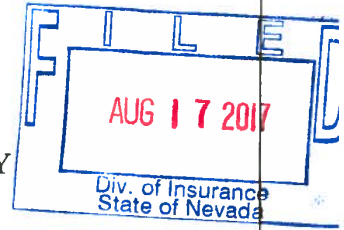
000183

AA000157

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <input checked="" type="checkbox"/>  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>Lori Grifa, Esq. Archer & Greiner, P.C. Court Plaza South, West Wing 21 Main Street, Suite 353 Hackensack, NJ 07601</p>		<p>B. Received by (Printed Name) </p>	<p>C. Date of Delivery</p>
<p>2. Article Number (Transfer from service label)</p> <p>9590 9402 2940 7094 9290 41</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input checked="" type="checkbox"/> Certified Mail®</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail</p> <p><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>		<p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
<p>PSN 7530-02-000-9053</p>		<p>17-0050 BLC</p>	

AA000158

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE



IN THE MATTER OF

CAUSE NO. 17.0050

**HOME WARRANTY ADMINISTRATOR OF
NEVADA, INC. dba CHOICE HOME
WARRANTY,**

Respondent.

ORDER ON JOINT APPLICATION TO CONDUCT DEPOSITION

On August 16, 2017, the Parties in this matter filed a Joint Application to Conduct Deposition to Preserve Hearing Testimony ("Application"). Home Warranty Administrator of Nevada, Inc. ("HWAN") intended to call a witness who is unable to attend the hearing due to a prior commitment. The witness is claimed to have "intimate knowledge of the business and trade practices of HWAN", and her testimony relates to certain allegations in the Complaint filed by the Division. The Division has no objection to HWAN's request so long as the Division has the opportunity to examine the witness as well.

Based on the foregoing, HWAN's request to preserve its witness' testimony by videotaped deposition is **GRANTED**. The Hearing Officer requests that HWAN provide a transcript of the deposition at the hearing.

This Order makes no ruling or determination as to the admissibility of testimony preserved in deposition, which will be considered, if presented, at the time of the hearing.

So ORDERED.

DATED this 17th day of August, 2017.

A blue ink signature of Alexia M. Emmermann, written in a cursive style.

ALEXIA M. EMMERMANN
Hearing Officer

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I have this date served the **ORDER ON JOINT APPLICATION**
3 **TO CONDUCT DEPOSITION and ORDER SETTING PREHEARING CONFERENCE,**
4 in **CAUSE NO. 17.0050**, via electronic mail and by mailing a true and correct copy thereof,
5 properly addressed with postage prepaid, certified mail return receipt requested, to the
6 following:

7 Kirk B. Lenhard, Esq.
8 Brownstein Hyatt Farber Schreck, LLP
9 100 North City Parkway, Suite 1600
10 Las Vegas, NV 89106
11 E-MAIL: klenhard@bhfs.com
12 CERTIFIED MAIL NO. 7016 2140 0000 7181 7706

11 Travis F. Chance, Esq.
12 Brownstein Hyatt Farber Schreck, LLP
13 100 North City Parkway, Suite 1600
14 Las Vegas, NV 89106
15 E-MAIL: tchance@bhfs.com
16 CERTIFIED MAIL NO. 7016 2140 0000 7181 7713

14 Lori Grifa, Esq.
15 Archer & Greiner, P.C.
16 Court Plaza South, West Wing
17 21 Main Street, Suite 353
18 Hackensack, NJ 07601
19 E-MAIL: lgrifa@archerlaw.com
20 CERTIFIED MAIL NO. 7016 2140 0000 7181 7720

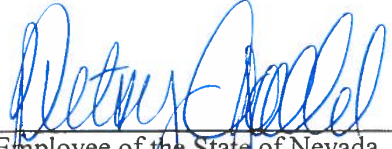
18 and the originals of the foregoing were hand-delivered to:

19 Alexia M. Emmermann, Esq.
20 Hearing Officer
21 Department of Business and Industry
22 Division of Insurance
23 1818 East College Parkway, Suite 103
24 Carson City, NV 89706

23 and copies of the foregoing were sent via electronic mail to:

24 Richard Yien, Deputy Attorney General
25 Nevada Attorney General's Office
26 E-MAIL: ryien@ag.nv.gov

26 DATED this 17th day of August, 2017.

27 
28 Employee of the State of Nevada
Department of Business and Industry
Division of Insurance 000174

Betsy Gould

From: Betsy Gould
Sent: Thursday, August 17, 2017 2:07 PM
To: klenhard@bhfs.com; tchance@bhfs.com; lgrifa@archerlaw.com; Richard Paili Yien (ryien@ag.nv.gov)
Subject: 17.0050 Order on Joint App to Conduct Deposition and Order Setting PHC
Attachments: 28 - Order on Joint Application to Conduct Deposition.pdf; 29 - Order Setting Prehearing Conference.pdf

Please see attached the Order on Joint Application to Conduct Deposition and the Order Setting Prehearing Conference regarding Home Warranty Administrator of Nevada, Inc. dba Choice Home Warranty.

Thank you.

Betsy Gould
Legal Secretary
Nevada Division of Insurance
T: 775-687-0705
bgould@doi.nv.gov
<http://doi.nv.gov/>

U.S. Postal ServiceTM
CERTIFIED MAIL[®] RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com[®]

DIV OF INS. 17.0050 7713
652

Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage \$

Postmark
Here

Travis F. Chance, Esq.
Brownstein Hyatt Farber Schreck, LLP
100 North City Parkway, Suite 1600
Las Vegas, NV 89106

for instructions

U.S. Postal ServiceTM
CERTIFIED MAIL[®] RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com[®]

DIV OF INS. 17.0050 7720
652

Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage \$

Postmark
Here

Lori Grifa, Esq.
Archer & Greiner, P.C.
Court Plaza South, West Wing
21 Main Street, Suite 353
Hackensack, NJ 07601

for instructions

U.S. Postal ServiceTM
CERTIFIED MAIL[®] RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com[®]

DIV OF INS. 17.0050 7706
652

Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage \$

Postmark
Here

Kirk B. Lenhard, Esq.
Brownstein Hyatt Farber Schreck, LLP
100 North City Parkway, Suite 1600
Las Vegas, NV 89106

for instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery AUG 21 2017</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Kirk B. Lenhard, Esq. Brownstein Hyatt Farber Schreck, LLP 100 North City Parkway, Suite 1600 Las Vegas, NV 89106</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>
<p>2. Article Number (Transfer from service label)</p> <p>7016 2140 0000 7181 7706</p>	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>	<p>17.0050 BLS Domestic Return Receipt</p>

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery AUG 21 2017</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Travis F. Chance, Esq. Brownstein Hyatt Farber Schreck, LLP 100 North City Parkway, Suite 1600 Las Vegas, NV 89106</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>
<p>2. Article Number (Transfer from service label)</p> <p>7016 2140 0000 7181 7713</p>	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>	<p>17.0050 BLS Domestic Return Receipt</p>

000177

AA000163

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>Lori Grifa, Esq. Archer & Greiner, P.C. Court Plaza South, West Wing 21 Main Street, Suite 353 Hackensack, NJ 07601</p>		<p>B. Received by (Printed Name) C. Date of Delivery</p>	
<p>2. Article Number (Transfer from service label)</p> <p>9590 9402 2940 7094 9290 41</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>		<p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
<p>PSN 7530-02-000-9053</p>		<p>17.0050 BLC</p>	

AA000164

KIRK B. LENHARD, ESQ., Nevada Bar No. 1437
klenhard@bhfs.com
TRAVIS F. CHANCE, ESQ., Nevada Bar No. 13800
tchance@bhfs.com
BROWNSTEIN HYATT FARBER SCHRECK, LLP
100 North City Parkway, Suite 1600
Las Vegas, NV 89106-4614
Telephone: 702.382.2101
Facsimile: 702.382.8135

LORI GRIFA, ESQ., NJ Bar No. 011551989
lgrifa@archerlaw.com
ARCHER & GREINER, P.C.
21 Main Street, Suite 353
Hackensack, NJ 07601
Telephone: 201.342.6000
Facsimile: 201.342.6611

*Attorneys for Respondent Home Warranty
Administrator of Nevada, Inc. dba Choice Home
Warranty*

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE

IN THE MATTER OF:

CAUSE NO.: 17.0050

HOME WARRANTY ADMINISTRATOR
OF NEVADA, INC. dba CHOICE HOME
WARRANTY,

**JOINT APPLICATION TO CONDUCT
DEPOSITION TO PRESERVE HEARING
TESTIMONY**

Respondent.

Respondent HOME WARRANTY ADMINISTRATOR OF NEVADA, INC. d/b/a Choice Home Warranty ("HWAN"), by and through its attorneys of record Kirk B. Lenhard, Esq. and Travis F. Chance, Esq., of the law firm of Brownstein Hyatt Farber Schreck, LLP, and Lori Grifa, Esq., of the law firm of Archer & Greiner, P.C., and the State of Nevada, Department of Business and Industry, Division of Insurance (the "Division"), by and through its attorneys of record Adam P. Laxalt, Esq., Attorney General of the State of Nevada, and Richard P. Yien, Esq., Deputy Attorney General (together, the "Applicants"), hereby submit the instant Joint Application to Conduct Deposition to Preserve Hearing Testimony (the "Application"). This Application is made and based upon NRS 679B.330, the pleadings and papers on file herein, the following arguments, and any oral arguments of counsel that this tribunal shall choose to consider.



1 NRS 679B.330(3) provides that, relative to the hearing of any Cause before the Division:

2 "Testimony may be taken orally *or by deposition*, and any party
3 has the same right to introduce evidence *by interrogatories or*
4 *deposition* as the party would have in a district court."
(emphasis added)

5 This statute, by its terms, contemplates that in preparation for the hearing of a Cause
6 before the Division, parties have the right to depose witnesses and to present their testimony at
7 the hearing via deposition.

8 HWAN intended to call as a witness the Honorable Judge Harriet Derman, J.S.C. (ret.) to
9 testify as to the Division's allegations of statutory violations, particularly of NRS 686A.310(1)(b)
10 "failing to acknowledge and act reasonably promptly upon communications arising under
11 insurance policies" and NRS 679B.125(2) "conducting business in an unsuitable manner." More
12 specifically, Judge Derman has intimate knowledge of the business and trade practices of HWAN
13 and her testimony therefore relates to the allegations in the Complaint that HWAN: "has failed to
14 properly communicate with policyholders," improperly denied claims "without communication or
15 investigation," and failed to pay service providers who have provided service on behalf of the
16 company. See Compl. at 5, ¶ 9; 6, ¶ 3. Judge Derman's testimony is relevant and probative to the
17 Division's allegations against HWAN related to NRS 686A.310(1)(b) and NRS 679B.125(2).

18 HWAN is unable to produce Judge Derman for live testimony in this Cause on either of
19 the current hearing dates, as she has a pre-paid, booked vacation. Given the nature of Judge
20 Derman's testimony and her unavailability, and in light of the fact that HWAN is entitled to
21 present said evidence via live testimony or deposition pursuant to NRS 679B.330(3), HWAN
22 respectfully requests it be allowed to preserve her testimony via videotaped deposition and to
23 present the same at the hearing of this Cause. The Division has agreed to this request, to the
24 extent that it will be granted the ability to examine Judge Derman as well.

25 //

26 //

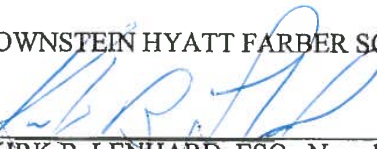
27 //

28 //

1 Therefore, the Applicants request to depose Judge Derman to preserve her hearing
2 testimony on August 29, August 30, or August 31.

3 DATED this 16th day of August, 2017.


4 BROWNSTEIN HYATT FARBER SCHRECK, LLP

5
6 BY: 
7 KIRK B. LENHARD, ESQ., Nevada Bar No. 1437
8 klenhard@bhfs.com
9 TRAVIS F. CHANCE, ESQ., Nevada Bar No. 13800
10 tchance@bhfs.com

11 LORI GRIFA, ESQ., NJ Bar No. 011551989
12 lgrifa@archerlaw.com

13 *Attorneys for Respondent Home Warranty*
14 *Administrator of Nevada, Inc. dba Choice Home*
15 *Warranty*

16 ATTORNEY GENERAL OF THE STATE OF NEVADA

17
18 BY: 
19 RICHARD P. YIEN ESQ., Nevada Bar No. 13035
20 Deputy Attorney General
21 ryien@ag.nv.gov

22 *Attorney for the Division of Insurance*
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Brownstein Hyatt Farber Schreck, LLP, and that on the 16th day of August, 2017, I caused a true and correct copy of the foregoing **JOINT APPLICATION TO CONDUCT DEPOSITION TO PRESERVE HEARING TESTIMONY** to be served, U.S. Mail, postage prepaid, and via electronic mail, to the following:

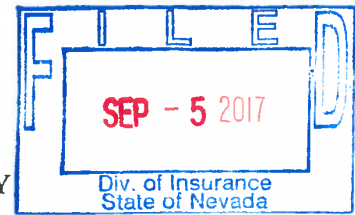
ALEXIA M. EMMERMANN, ESQ.
Hearing Office
Department of Business and Industry
Division of Insurance
1818 East College Parkway, Suite 103
Carson City, NV 89706
Email: yrenta@doi.nv.gov

ADAM PAUL LAXALT, ESQ.
ATTORNEY GENERAL
RICHARD YIEN, Deputy Attorney General
Nevada Attorney General's Office
100 North Carson Street
Carson City, NV 89701-4717
Email: ryien@ag.nv.gov

BY: /s/ Paula Kay
an employee of Brownstein Hyatt Farber Schreck, LLP

213060637v1

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE



IN THE MATTER OF) CAUSE NO. 17.0050
)
HOME WARRANTY ADMINISTRATOR) AMENDED
OF NEVADA, INC. dba CHOICE HOME) COMPLAINT AND APPLICATION
WARRANTY) FOR ORDER TO SHOW CAUSE
)
Respondent.)

The State of Nevada, Department of Business and Industry, Division of Insurance
("Division"), sends greetings to:

HOME WARRANTY ADMINISTRATOR OF NEVADA, INC.
dba CHOICE HOME WARRANTY

YOU ARE HEREBY NOTIFIED of the conduct, conditions, or acts which are deemed by the
Commissioner of Insurance ("Commissioner") to be in violation of the following provision of
Nevada Revised Statutes ("NRS"): NRS 686A.070—falsifying material fact in any book, report,
or statement; NRS 690C.325(1)(b)—conducting business in an unsuitable manner; and
NRS 686A.310—engaging in unfair practices in settling claims.¹ The Commissioner may refuse
to renew or may suspend a provider's certificate of registration pursuant to
NRS 690C.325.

¹ **NRS 690C.120 Applicability of other provisions.**

1. Except as otherwise provided in this chapter, the marketing, issuance, sale, offering for
sale, making, proposing to make and administration of service contracts are not subject to the
provisions of title 57 of NRS, except, when applicable, the provisions of:

- (a) NRS 679B.020 to 679B.152, inclusive;
- (b) NRS 679B.159 to 679B.300, inclusive;
- (c) NRS 679B.310 to 679B.370, inclusive;
- (d) NRS 679B.600 to 679B.690, inclusive;
- (e) NRS 685B.090 to 685B.190, inclusive;
- (f) NRS 686A.010 to 686A.095, inclusive;
- (g) NRS 686A.160 to 686A.187, inclusive; and
- (h) NRS 686A.260, 686A.270, 686A.280, 686A.300 and 686A.310.

1 **I. COMPLAINT**

2 **A. Jurisdiction**

- 3 1. The Commissioner has exclusive jurisdiction to regulate the business of service
4 contracts in the state of Nevada pursuant to chapter 690C of the NRS. The actions
5 described in this complaint are actions that involve the regulation of the business
6 of service contracts in the state of Nevada.

7 **B. Respondent**

- 8 1. Respondent, Home Warranty Administrator of Nevada, Inc. dba Choice Home
9 Warranty ("CHW"), had a certificate of registration (ORG ID# 113194) as a
10 service contract provider in Nevada since November 18, 2010. CHW submitted a
11 renewal application of registration on November 8, 2016.

12 **C. Allegations of Fact**

- 13 1. On July 23, 2010, Insurance Commissioner of California, Steve Poizner, issued a
14 cease and desist order to CHW for "acting in a capacity for which a license,
15 registration, or certificate of authority from the Commissioner was required but
16 not possessed." CHW had, through the internet, through toll-free telephone lines,
17 and through other means and devices, solicited the purchase of home protection
18 contracts to persons residing in California. CHW did not possess the proper
19 licensure, registration, or certificate required to conduct such business in
20 California. An entry of default judgment was entered in this case on October 12,
21 2010, finding CHW "has continued to act in a capacity for which a home
22 protection company license or a certificate of authority is required but is not
23 possessed" thereby issuing CHW a fine of \$3,530,000.00.
- 24 2. President of CHW, Victor Mandalawi, signed a 2011-2012 Service Contractor
25 Provider Renewal Application to the Nevada Division on Insurance on October
26 31, 2011. Mr. Mandalawi falsely answered "no" to question 3(d), on page 2 of the
27 application, which reads, "Since the last application, has applicant or any of the
28

1 officers listed in Section 1 ever: (d) been fined by any state governmental agency
2 or authority in any matter regarding service contracts?" The "no" answer
3 provided is false because the Insurance Commissioner of California fined CHW
4 \$3,530,000.00 on October 12, 2010, during the time between CHW's initial (last)
5 application and CHW's October 31, 2011, renewal application.

6 3. On July 15, 2011, the Insurance Commissioner of the state of Oklahoma issued
7 an Order in response to an Emergency Cease and Desist Order issued by the
8 Oklahoma Insurance Department on July 29, 2010. The Cease and Desist Order
9 was issued "pursuant to a finding that CHW was unauthorized to engage in the
10 business of offering, providing, servicing, and entering service warranty
11 agreements, service warranty contracts, indemnity agreements or indemnity
12 contracts, and in violation of Oklahoma insurance code." Mr. Mandalawi
13 stipulated on behalf of CHW that CHW "does not hold any license, certificate of
14 authority, or other authorization from the Oklahoma Insurance Department to
15 engage in the business of offering, providing, servicing, and entering service
16 warranty agreements." On December 29, 2011, the Oklahoma Insurance
17 Commissioner fined CHW \$15,000.00.

18 4. President Victor Mandalawi of CHW signed a 2012-2013 Service Contractor
19 Provider Renewal Application to the Nevada Division on Insurance on October
20 19, 2012. Mr. Mandalawi falsely answered "no" to question 3(d), on page 2 of
21 the application, which reads, "Since the last application, has applicant or any of
22 the officers listed in Section 1 ever: (d) been fined by any state governmental
23 agency or authority in any matter regarding service contracts?" The "no" answer
24 provided was false because the Insurance Commissioner of the state of Oklahoma
25 fined CHW \$15,000.00 on December 29, 2011, during the time between CHW's
26 last application and CHW's renewal application.

27 5. On February 7, 2014, the Insurance Commissioner in the State of Oklahoma
28

1 issued an Order stating:

2 "CHW had willfully violated a Consent Order dated January 2,
3 2012, by failing to pay all valid claims and refunds that arise
4 pursuant to service warranty agreements in Oklahoma. IT IS
5 FURTHER ORDERED that Respondent (CHW) has
6 knowingly and willfully violated provisions of the Service
7 Warranty Act; failed to update its address with the Oklahoma
8 consumer and the Insurance Commissioner; and failed to
9 respond to the Oklahoma Insurance Commissioner and, as a
10 result, Respondent is fined in the amount of Ten Thousand
11 Dollars."

12 This Order was issued in response to a consumer complaint submitted to the
13 Insurance Commissioner in the state of Oklahoma alleging that CHW denied a
14 claim from the consumer without ever investigating circumstances surrounding
15 the claim and ignoring repeated attempts from the consumer to resolve the issue
16 in good faith. The February 7, 2014, Order concluded that CHW violated
17 Oklahoma's deceptive trade acts

18 "by failing to acknowledge and act promptly upon
19 communication with respect to the claim; by denying
20 Johnson's (aggrieved consumer) claim without conducting
21 reasonable investigation based upon available information;
22 failing to promptly provide a reasonable explanation to
23 Johnson in relation to the facts or applicable law for the denial
24 of the claim."

- 25 6. President Victor Mandalawi of CHW, signed a 2014-2015 Service Contractor
26 Provider Renewal Application to the Nevada Division on Insurance on November
27 12, 2014. Mr. Mandalawi falsely answered "no" to question 4(d), on page 2 of
28 the application, which reads, "Since the last application, has applicant or any of
the officers listed in Section 1 ever: (d) been fined by any state governmental
agency or authority in any matter regarding service contracts?" The "no" answer
provided was false because the Insurance Commissioner of the state of Oklahoma
fined CHW \$10,000.00 on February 7, 2014, during the time between CHW's last

1 application and CHW's renewal application.

- 2 7. CHW and its officers, directors, employees, et al., agreed to a Final Consent
3 Judgment on May 21, 2015, to resolve a complaint brought by the New Jersey
4 Attorney General's Office and the New Jersey Division of Consumer Affairs
5 alleging violation of New Jersey's Consumer Fraud Act and New Jersey
6 regulations governing general advertising. The Final Consent Judgment was filed
7 by the Superior Court of New Jersey and signed by the Honorable Travis L.
8 Francis on June 9, 2015, and required various injunctive relief, revised business
9 practices; the reporting of additional consumer complaints; the mandatory
10 retaining of a compliance monitor; and a settlement payment of \$779,913.93.
- 11 8. President Victor Mandalawi of CHW signed a 2015-2016 Service Contractor
12 Provider Renewal Application to the Nevada Division of Insurance on November
13 17, 2015. Mr. Mandalawi falsely answered "no" to question 4(d), on page 2 of
14 the application, which reads, "Since the last application, has applicant or any of
15 the officers listed in Section 1 ever: (d) been fined by any state governmental
16 agency or authority in any matter regarding service contracts?" The "no" answer
17 provided was false because the New Jersey Attorney General's Office and the
18 New Jersey Division of Consumer Affairs settled the matter with CHW for
19 \$779,913.93 during the time between CHW's last application and CHW's
20 renewal application.
- 21 9. During the period CHW was registered as a Service Contractor Provider in
22 Nevada, the Nevada Division of Insurance has received more than 80 consumer
23 complaints. The consumer's descriptions detailing the complaints depict
24 incidents where CHW does not communicate with a policyholder after the
25 policyholder has filed a claim, incidents where policyholder claims are denied
26 without communication or investigation, and complaints from service providers
27 who have not been paid from CHW after performing services for them.
- 28

1 10. CHW submitted their 2016-2017 Service Contractor Provider renewal
2 application on November 8, 2016. Subsequently, the Nevada Division of
3 Insurance requested information from CHW inquiring as to how many open
4 contracts and claims CHW had in Nevada. CHW has since responded to the
5 Division's request upon a subpoena ordered in these proceedings.

6 **D. Violations Alleged**

- 7 1. NRS 686A.070 provides that it is unlawful to knowingly make or cause to be
8 made any false entry of a material fact in any book, report, or statement of any
9 person or knowingly omit to make a true entry of any material fact pertaining to
10 such person's business in any book, report, or statement of such person. Any
11 person who violates, or with like intent, aids or abets any violation of this section
12 is guilty of a gross misdemeanor.
- 13 2. CHW by and through its president, Victor Mandalawi, engaged in acts that
14 constitute the unlawful making of false entry of material fact in each of CHW's
15 renewal applications in the years 2011, 2012, 2014, and 2015.
- 16 3. CHW's complaints regarding failures to communicate with policyholders and
17 inappropriately denying claims violates NRS 686A.310(1)(b)—“failing to
18 acknowledge and act reasonably promptly upon communications with respect to
19 claims arising under insurance policies.”
- 20 4. The business practices of CHW, as documented by Nevada complaints; the Better
21 Business Bureau, news and media outlets; and the findings of fact of the various
22 Courts' actions described above, constitute a pattern of behavior that CHW is
23 operating in an unsuitable manner. CHW's practices cause injury to the general
24 public with such frequency as to indicate a general business practice. As such,
25 CHW is in violation of NRS 679B.125(2)—conducting business in an unsuitable
26 manner.
- 27 5. Pursuant to the findings of fact of the various Courts' Orders described above,
28

CHW also is in violation of NRS 686A.170—engaging in unfair and deceptive trade practices.

6. The Commissioner may refuse to renew or may suspend a provider's certificate of registration pursuant to NRS 690C.325.

E. Action Required

Based upon the foregoing and pursuant to NRS 690C.325:

1. Refuse to renew and revoke, subject to the rights afforded under the law, the certificate of registration for HOME WARRANTY ADMINISTRATOR OF NEVADA, INC. dba CHOICE HOME WARRANTY.
2. Pursuant to NRS 686A.183(1)(a), fine HOME WARRANTY ADMINISTRATOR OF NEVADA, INC. dba CHOICE HOME WARRANTY \$5,000 for each act or violation of NRS 686A.010 to 686A.310.
3. Pursuant to NRS 690C.325, discipline and/or refuse to renew and revoke HOME WARRANTY ADMINISTRATOR OF NEVADA, INC. dba CHOICE HOME WARRANTY for violating NRS 690C.320(2) and failing to make available to the Commissioner for inspection any accounts, books, and records concerning any service contract issued, sold, or offered for sale by the provider.
4. Issue a cease and desist order pursuant to NRS 686A.170.
5. Withhold the security deposit, as required by NRS 690C.170(2), to service existing contractual obligations of HOME WARRANTY ADMINISTRATOR OF NEVADA, INC. dba CHOICE HOME WARRANTY.
6. Order any other action deemed appropriate by the Hearing Officer.

II. APPLICATION FOR ORDER TO SHOW CAUSE

Under the authority of Title 57 of the NRS, and other applicable laws and regulations of the State of Nevada, and other general powers and duties of the Commissioner, the Division hereby respectfully requests that an Order to Show Cause be issued requiring Respondent HOME WARRANTY ADMINISTRATOR OF NEVADA, INC. dba CHOICE HOME

1 WARRANTY to appear and show cause, if any, why the non-renewal of its certificate of
2 registration, and the imposition of fines and a cease and desist, should not be ordered.

3 At the hearing, the Division may offer written and oral evidence. Respondent also would
4 have the opportunity to offer written and oral evidence.

5 Pursuant to Nevada Administrative Code (NAC) 679B.311, Respondent may choose to
6 be represented by an attorney in this matter. If Respondent wishes to be represented by an attorney,
7 Respondent shall notify the Division in writing of the name, address, and telephone number of its
8 counsel not later than five (5) days before the hearing.

9 WHEREFORE, unless Respondent appears at the time and place of the hearing and
10 shows good and just cause why appropriate administrative action should not be taken, the
11 Commissioner may issue an Order against Respondent for the relief requested by the Division.

12 DATED this 5th day of September 2017.

13 ADAM PAUL LAXALT
14 Attorney General

15 By:

16 

17 RICHARD PAILI YIEN
18 Deputy Attorney General
19 100 N. Carson Street
20 Carson City, Nevada 89701
21 (775) 684-1129
22 *Attorney for the Division of Insurance*

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I have this date served the **AMENDED COMPLAINT AND**
3 **APPLICATION FOR ORDER TO SHOW CAUSE**, in **CAUSE NO. 17.0050**, via electronic
4 mail, to the following:

5 Kirk B. Lenhard, Esq.
6 Brownstein Hyatt Farber Schreck, LLP
7 100 North City Parkway, Suite 1600
8 Las Vegas, NV 89106
9 E-MAIL: klenhard@bhfs.com

10 Travis F. Chance, Esq.
11 Brownstein Hyatt Farber Schreck, LLP
12 100 North City Parkway, Suite 1600
13 Las Vegas, NV 89106
14 E-MAIL: tchance@bhfs.com

15 Lori Grifa, Esq.
16 Archer & Greiner, P.C.
17 Court Plaza South, West Wing
18 21 Main Street, Suite 353
19 Hackensack, NJ 07601
20 E-MAIL: lgrifa@archerlaw.com

21 and the originals of the foregoing were hand-delivered to:

22 Alexia M. Emmermann, Esq.
23 Hearing Officer
24 Department of Business and Industry
25 Division of Insurance
26 1818 East College Parkway, Suite 103
27 Carson City, NV 89706

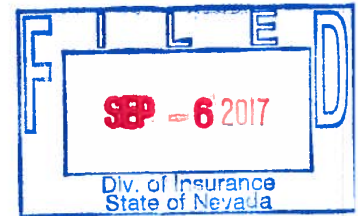
28 and copies of the foregoing were sent via electronic mail to:

Richard Yien, Deputy Attorney General
Nevada Attorney General's Office
E-MAIL: ryien@ag.nv.gov

DATED this 6th day of September, 2017.



Employee of the State of Nevada
Department of Business and Industry
Division of Insurance



STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE

IN THE MATTER OF) CAUSE NO. 17.0050
)
HOME WARRANTY ADMINISTRATOR) DIVISION'S PRE-HEARING
OF NEVADA, INC. dba CHOICE HOME) STATEMENT
WARRANTY)
)
Respondent.)
)

This matter comes before the Hearing Officer on an Order to Show Cause issued by the Commissioner of Insurance on May 11, 2017. The Nevada Division of Insurance ("Division"), by and through its counsel Deputy Attorney General RICHARD PAILI YIEN, hereby submits this Pre-Hearing Statement per the Hearing Officer's Order dated July 27, 2017.

DIVISION'S ALLEGATIONS

The Division deems Home Warranty Administrator of Nevada, Inc. dba Choice Home Warranty ("CHW") to be in violation of the following provision of Nevada Revised Statutes ("NRS"): NRS 686A.070—falsifying material fact in any book, report, or statement; NRS 690C.325(1)(b)—conducting business in an unsuitable manner; and NRS 686A.310—engaging in unfair practices in settling claims. The Commissioner may refuse to renew or may suspend a provider's certificate of registration pursuant to NRS 690C.325.

ISSUES OF LAW – DIVISION'S POSITION ON VIOLATIONS

A. NRS 686A.070 provides that it is unlawful to knowingly make or cause to be made any false entry of a material fact in any book, report, or statement of any person or knowingly omit to make a true entry of any material fact pertaining to such person's business in any book, report, or statement of such person. Any person who violates, or with like intent, aids or abets any violation of this section is guilty of a gross misdemeanor. CHW, by and through its president, Victor Mandalawi, engaged in acts that constitute the unlawful making of false entry of material fact in each of CHW's renewal applications in the years 2011, 2012, 2014, and 2015.

On July 23, 2010, Insurance Commissioner of California, Steve Poizner, issued a cease and desist order to CHW for "acting in a capacity for which a license, registration, or certificate of

1 authority from the Commissioner was required but not possessed.” CHW had, through the
2 internet, through toll-free telephone lines, and through other means and devises, solicited the
3 purchase of home protection contracts to persons residing in California. CHW did not possess
4 the proper licensure, registration, or certificate required to conduct such business in California.
5 An entry of default judgment was entered in this case on October 12, 2010, finding CHW “has
6 continued to act in a capacity for which a home protection company license or a certificate of
7 authority is required but is not possessed” thereby issuing CHW a fine of \$3,530,000.00.
8 President of CHW, Victor Mandalawi, submitted a 2011-2012 Service Contractor Provider
9 Renewal Application to the Nevada Division on Insurance on October 31, 2011¹. Mr. Mandalawi
10 falsely answered “no” to question 3(d), on page 2 of the application, which reads, “Since the last
11 application, has applicant or any of the officers listed in Section 1 ever: (d) been fined by any
12 state governmental agency or authority in any matter regarding service contracts?” The “no”
13 answer provided is false because the Insurance Commissioner of California fined CHW
14 \$3,530,000.00 on October 12, 2010, during the time between CHW’s initial (last) application and
15 CHW’s October 31, 2011, renewal application.

16 On July 15, 2011, the Insurance Commissioner of the state of Oklahoma issued an Order
17 in response to an Emergency Cease and Desist Order issued by the Oklahoma Insurance
18 Department on July 29, 2010. The Cease and Desist Order was issued “pursuant to a finding that
19 CHW was unauthorized to engage in the business of offering, providing, servicing, and entering
20 service warranty agreements, service warranty contracts, indemnity agreements or indemnity
21 contracts, and in violation of Oklahoma insurance code.” Mr. Mandalawi stipulated on behalf of
22 CHW that CHW “does not hold any license, certificate of authority, or other authorization from
23 the Oklahoma Insurance Department to engage in the business of offering, providing, servicing,
24 and entering service warranty agreements.” On December 29, 2011, the Oklahoma Insurance
25

26
27 ¹ The 2011-2012 Renewal application was signed by Mr. Mandalawi on October 31, 2011, and date-stamped
28 “received” by the Division on November 2, 2011.

1 Commissioner fined CHW \$15,000.00². President Victor Mandalawi of CHW submitted a 2012-
2 2013 Service Contractor Provider Renewal Application to the Nevada Division on Insurance on
3 October 19, 2012³. Mr. Mandalawi falsely answered “no” to question 3(d), on page 2 of the
4 application, which reads, “Since the last application, has applicant or any of the officers listed in
5 Section 1 ever: (d) been fined by any state governmental agency or authority in any matter
6 regarding service contracts?” The “no” answer provided was false because the Insurance
7 Commissioner of the state of Oklahoma fined CHW \$15,000 on December 29, 2011, during the
8 time between CHW’s last application and CHW’s renewal application.

9 On February 7, 2014⁴, the Insurance Commissioner in the State of Oklahoma issued an
10 Order stating:

11 “CHW had willfully violated a Consent Order dated January 2,
12 2012, by failing to pay all valid claims and refunds that arise
13 pursuant to service warranty agreements in Oklahoma. IT IS
14 FURTHER ORDERED that Respondent (CHW) has knowingly
15 and willfully violated provisions of the Service Warranty Act; failed
16 to update its address with the Oklahoma consumer and the Insurance
Commissioner; and failed to respond to the Oklahoma Insurance
Commissioner and, as a result, Respondent is fined in the amount of
Ten Thousand Dollars.”

17 President Victor Mandalawi of CHW signed and submitted a 2014-2015 Service
18 Contractor Provider Renewal Application to the Nevada Division on Insurance on or about
19 November 12, 2014. Mr. Mandalawi falsely answered “no” to question 4(d), on page 2 of the
20 application, which reads, “Since the last application, has applicant or any of the officers listed in
21 Section 1 ever: (d) been fined by any state governmental agency or authority in any matter
22 regarding service contracts?” The “no” answer provided was false because the Insurance
23 Commissioner of the state of Oklahoma fined CHW \$10,000.00 on February 7, 2014, during the
24 time between CHW’s last application and CHW’s renewal application.

25 ² This Consent Order was signed by Judge Freeman on December 29, 2011, and filed by the Insurance
26 Commissioner of Oklahoma on January 9, 2012. The Consent Order reduced the fine to \$15,000 from \$25,000 in the
Conditional Administrative Order and Notice of Right to be Heard filed on July 15, 2011.

27 ³ The renewal application was signed by Mr. Mandalawi on October 19, 2012, and dated stamped “received”
by the Division on October 24, 2012.

28 ⁴ The Order is signed by John D. Doak, Insurance Commissioner, State of Oklahoma on January 7, 2014.

1 CHW and its officers, directors, employees, et al., agreed to a Final Consent Judgment on
2 May 21, 2015, to resolve a complaint brought by the New Jersey Attorney General's Office and
3 the New Jersey Division of Consumer Affairs alleging violation of New Jersey's Consumer Fraud
4 Act and New Jersey regulations governing general advertising. The Final Consent Judgment was
5 filed by the Superior Court of New Jersey and signed by the Honorable Travis L. Francis on June
6 9, 2015, and required various injunctive relief, revised business practices; the reporting of
7 additional consumer complaints; the mandatory retaining of a compliance monitor; and a
8 settlement payment of \$779,913.93. President Victor Mandalawi of CHW submitted a 2015-
9 2016 Service Contractor Provider Renewal Application to the Nevada Division on Insurance on
10 November 17, 2015. Mr. Mandalawi falsely answered "no" to question 4(d), on page 2 of the
11 application, which reads, "Since the last application, has applicant or any of the officers listed in
12 Section 1 ever: (d) been fined by any state governmental agency or authority in any matter
13 regarding service contracts?" The "no" answer provided was false because the New Jersey
14 Attorney General's Office and the New Jersey Division of Consumer Affairs settled the matter
15 with CHW for \$779,913.93 during the time between CHW's last application and CHW's renewal
16 application.

17 CHW, by and through its president, Victor Mandalawi, engaged in acts that constitute the
18 unlawful making of false entry of material fact in each of CHW's renewal applications in the
19 years 2011, 2012, 2014, and 2015. The above-mentioned renewal applications signed by
20 President Victor Mandalawi, on behalf of CHW, illustrate untrustworthy and dishonest character.
21 The failure to disclose regulatory fines are documentation of falsification of material fact.

22 **A. NRS 686A.310 defines, in pertinent part, unfair practices in settling claims to**
23 **include the following activities: (a) Misrepresenting to insureds or claimants**
24 **pertinent facts or insurance policy provisions relating to any coverage at issue. (b)**
25 **Failing to acknowledge and act reasonably promptly upon communications with**
26 **respect to claims arising under insurance policies. (c) Failing to adopt and**
27 **implement reasonable standards for the prompt investigation and processing of**
28 **claims arising under insurance policies. (g) Attempting to settle a claim by an**
insured for less than the amount to which a reasonable person would have believed
he or she was entitled by reference to written or printed advertising material

1 accompanying or made part of an application. (n) Failing to provide promptly to
2 an insured a reasonable explanation of the basis in the insurance policy, with
3 respect to the facts of the insured's claim and the applicable law, for the denial of
the claim or for an offer to settle or compromise the claim. CHW has a long
history of allegations in violation of these unfair practices

4 As evidenced by reports of the Better Business Bureau, civil litigation, a complaint brought
5 by the Attorney General's Office in New Jersey, and various state regulatory action, CHW has a
6 long history and general business practice of engaging in these unfair practices. Descriptions of
7 these unfair practices also are supported by complaints received from the Nevada Division of
8 Insurance and postings on private consumer protection web sites by Nevada consumers, in the
9 pleadings and orders of the above-mentioned regulatory actions, in civil complaints filed in South
10 Carolina and New Jersey, and from various news and media outlets.

11 Oklahoma's February 7, 2014, Order and fine for \$10,000, was issued in response to
12 a consumer complaint submitted to the Insurance Commissioner in the state of Oklahoma alleging
13 that CHW denied a claim from the consumer without ever investigating circumstances
14 surrounding the claim and ignoring repeated attempts from the consumer to resolve the issue
15 in good faith. The February 7, 2014, Order concluded that CHW violated Oklahoma's deceptive
16 trade acts "by failing to acknowledge and act promptly upon communication with respect to the
17 claim; by denying Johnson's (aggrieved consumer) claim without conducting reasonable
18 investigation based upon available information; failing to promptly provide a reasonable
19 explanation to Johnson in relation to the facts or applicable law for the denial of the claim." This
20 finding of fact, which must be given full faith credit⁵ ⁶, illustrates CHW's modus operandi and its
21 actions violate sections (b) and (n) of NRS 686A.310. The dishonesty of their business model,
22 associated with selling a service contract and ignoring a claim to a consumer, is the same attitude
23 CHW and Mandalawi exhibit toward the administrative courts. It is supported by the fact that as
24

25 ⁵ U.S.C.A. Const. Art. IV § 1 Section 1. Full Faith and Credit shall be given in each State to the public Acts,
Records, and judicial Proceedings of every other State.

26 ⁶ Administrative determination by New York City comptroller of use taxes and business taxes assessed, under
27 New York City Administrative Code, against residents of Massachusetts, who conducted shoe business in New York
City, was entitled to full faith and credit and would be enforced in action in Federal District Court sitting in
Massachusetts. *The City of New York v. Louis Shapiro and William J. Mishel dba Tanners Shoe Company*, 129 F.
28 Supp. 149, (1954).

1 of the February 7, 2014, Oklahoma Order, CHW has failed to “pay all valid claims and refunds
2 that arise pursuant to service warranty agreements in Oklahoma,” despite a Consent Order filed
3 January 9, 2012, signed by Mandalawi, agreeing to do so. CHW and Mandalawi have no intent
4 to do so, as evidenced by the necessary 2014 Oklahoma Order.

5 Substantiating CHW’s dishonesty, a Nevada consumer complaint states,

6 “When CHW was notified of this professional assessment, it
7 disputed the diagnosis and ultimately denied my claim . . . I spoke
8 to a supervisor, Giselle, at CHW and requested a written explanation
9 as to why CHW refused to accept my claim. Giselle stated that it is
10 against their policy to provide a denial explanation in written form.”
11 This lack of explanation violates section (n). Similarly, another
12 Nevada consumer complaint alleged that CHW “sent 7 technicians
13 and 4 Nevada A/C companies. All agreed that the A/C compressor
14 and coil need to be replaced. CHW said they had a picture on
8/7/2016 that showed no maintenance on my unit, thus they denied
my claims I asked them to see the picture they said they
couldn’t send it to me and I should call Vegas Appliance repairs. I
did. They had no picture. I faxed my maintenance records to CHW.
They said they couldn’t read them.”

15 These dishonest actions are violations of sections (a)(b)(c), and (n) and consistent with
16 the findings of fact in the February 7, 2014 Oklahoma Order. This Nevada consumer complaint
17 also illustrates CHW and Mandalawi’s “run-around” tactics in adjudicating claims.

18 CHW’s claims processes causes injury to the general public because Nevada consumers
19 needlessly suffer trying to navigate through CHW’s illegal claims practices, pay out of pocket,
20 and then are forced to file a complaint with the Division in order for CHW to pay covered claims.
21 In some instances, CHW’s business practices can cause grave injury to consumers, especially in
22 places like Las Vegas. As described in another Nevada complaint where a claim for his covered
23 air conditioner was denied,

24 “I have called a number of times to contact Choice and I was put on
25 hold EVERY single time for extensive periods. At times exceeding
26 45 minutes, at which point the call failed. At one point I managed
27 to get a supervisor on the phone, his name was David L. I was told
28 that the claim was rejected verbally by Choice because they said I
didn’t maintain the unit. To which I have sent them proof that I did
. . . Even after I provided sufficient proof of maintenance, they still

1 denied my claim This has now become a life or death situation.
2 My significant other, who is disabled, along with our little dog, have
3 been left in the house with temperatures exceeding 100 plus degrees.
4 We live in Las Vegas, where the summer months are exceedingly
5 hot. She became ill with severe heat stroke.”

6 Those Nevada complaints are numerous and verify the same “run-around” claims
7 processing tactics and improper claims rejections that result in injury to the public. Not only are
8 these complaints consistent with the February 7, 2014, Oklahoma Order, they also support
9 allegations made by the New Jersey Attorney General’s Office. On July 22, 2014, the New Jersey
10 Division of Consumer Affairs filed a complaint against CHW that they used deceptive tactics to
11 refuse consumers’ claims for repair of crucial home systems and appliances. The Attorney
12 General for the State of New Jersey stated,

13 “CHW induced consumers to buy “comprehensive” coverage for
14 crucial home systems and appliances, and then denied consumers’
15 claims for repair or replacement through the use of various deceptive
16 tactics. As a result, consumers who paid hundreds of dollars for
17 CHW’s so-called “home warranties” were forced to pay out-of-
18 pocket for air conditioning, refrigerator, or other repairs that
19 allegedly should have been covered under their “warranties” with
20 CHW. This company’s alleged false advertising and flagrant
21 violations of the terms of its residential service contracts affected
22 consumers not just in New Jersey, but in at least 25 other states from
23 here to Nevada. CHW advertises that its so-called “home
24 warranties” provide “comprehensive” coverage and “peace of
25 mind” by protecting consumers against the high costs of unexpected
26 repairs or replacements of home systems and appliances. The
27 company’s advertisements promise that, should consumers need
28 service for their covered systems or appliances, CHW will “quickly”
respond by dispatching a local technician who is duly licensed and
insured. The company’s advertisements further promised that
consumers will “Never Pay For Covered Home Repairs Again!” In
reality, however, CHW and its current and former principals, Victor
Mandalawi, Victor Hakim, and David Seruya . . . repeatedly made
it difficult if not impossible for consumers to realize the benefits of
their so-called “warranties.” CHW and its principals often denied
claims based on consumers’ supposed failure to properly maintain
their covered home systems or appliances. The defendants also often
denied claims based on supposed pre-existing defects. The company
denied claims even when technicians declared that the covered
home systems or appliances had been properly maintained, and/or

1 had failed for reasons not related to poor maintenance or pre-
2 existing problems. As a way of denying claims, the defendants on
3 many occasions demanded that the consumers provide years' worth
4 of records to prove they performed regular maintenance on the
5 covered items. One consumer was told her claim could not be
6 approved unless she could provide 12 years of maintenance records
7 for her air conditioning unit. This denial, in addition to many others
8 made on similar grounds, were issued despite the fact that CHW's
9 residential service contract does not state that the company can
10 demand maintenance records from consumers. Additionally, when
11 consumers requested specific explanations for their denial of claims
12 in writing, CHW on many occasions failed or refused to provide
13 written explanations. CHW also promised consumers that if
14 covered items could not be repaired, the company would replace
15 them. However, when consumers needed to replace covered items,
16 the company often required consumers to accept cash "buy-outs."
17 These "buy-outs" were hundreds of dollars less than the consumers'
18 cost to replace the items. For example, CHW offered one customer
19 a \$180 "buy-out" for a dryer that allegedly would have cost \$600 to
20 repair. When the consumer disputed this, the company offered a
21 \$285 "buy-out."

22 Again, these allegations are consistent with Nevada and Oklahoma complaints especially with
23 regard to the "run-around" claims processes and eventual denial of claims. CHW claim processes
24 violate NRS 686A.310 (sections a, b, c, and n), and the "buy-out" practice also violates section
25 (g). Per the New Jersey complaint, "The Division of Consumer Affairs has received complaints
26 from a total of 116 consumers, including 18 from New Jersey, 7 from New York, and 5 from
27 Pennsylvania. The balance of complaints were filed by consumers from outside the tri-state area,
28 in states such as Maryland, Texas, and Nevada. The Division also has been provided with 902
complaints that were filed by individuals from various states with the Better Business Bureau."

As most Nevada consumers are unaware of the services the Division offers in resolving
disputes, many turn to private consumer advocacy watchdog agencies. One such instance details
a Henderson, Nevada resident, who on October 31, 2016, reported CHW taking money out of his
bank account after policy expiration and redirecting his call to "customer service," where he was
ignored. Another Las Vegas, Nevada CHW client left a comment, "How is this not a scam?",
detailing a denied claim from CHW because his microwave was "covered in grease and oil,"
when it was properly maintained and clean. Such reports, are again, consistent with the Oklahoma

1 findings, the New Jersey allegations, and other Nevada complaints and occur with such frequency
2 that it causes injury to the general public. Pursuant to the findings of fact of the Oklahoma Order,
3 along with the detailed complaints, CHW is in violation of NRS 686A.310.

4 **B. NRS 690C.325(1)(b) grants authority for the Commissioner to refuse to renew,**
5 **suspend, limit or revoke a provider's certificate of registration if the**
6 **Commissioner finds after a hearing thereon, or upon waiver of hearing by the**
7 **provider, that the provider conducted business in an unsuitable manner. CHW,**
8 **by and through its president, Victor Mandalawi, conducted business in an**
9 **unsuitable manner by intentionally violating lawful regulations of the**
10 **Commissioner of Insurance, violating other provisions of the Chapter 690C in the**
11 **NRS, operating without a license, failing to disclose regulatory action. These acts**
12 **cause injury to the general public and the Division deems Mr. Mandalawi and**
13 **CHW to be untrustworthy, dishonest, and unsuitable to conduct business in**
14 **Nevada.**

15 The Division also has received complaints from service contractors. In one instance, the Nevada
16 complaint stated,

17 “CHW refuses to pay for outstanding invoicing after services were
18 provided – attempted to correct situation with Dennis the Vendor
19 Relations Rep – got the run around. He had us enter every single
20 invoice into their system again and stated a 30 day release. Dennis
21 then backed tracked on his word and said no payment will be made
22 to us. We are owed \$20,000 and CHW refuses to pay for our
23 services that were rendered. There are multiple companies in Las
24 Vegas NV that are currently filling complaints and we all deserve to
25 be paid”

26 Consistent with the New Jersey allegations, and as described:

27 “CHW also repeatedly failed to deliver on its promises for prompt
28 service. In several cases this was because the company failed to pay
29 its contracted technicians. On at least one occasion, CHW assigned
30 three different technicians to a consumer's claim, and all three
31 technicians told the consumer they would not do so because CHW
32 had failed to pay them for prior services. To date, the Division of
33 Consumer Affairs has received 16 complaints from technicians who
34 stated CHW had not paid outstanding invoices totaling at least
35 \$21,690.92.”


36 By falsifying material fact in renewal applications as described in Section A, engaging in unfair

1 practices as described in Section B, and using similar practices to deny payment to service
2 contractors, CHW is unsuitable to conduct business in the State of Nevada. CHW has been found
3 to unlawfully engage in the sale of service contracts in Washington, Oklahoma, and California,
4 without a certificate or license. CHW's certificate in Nevada has not been renewed and they are
5 currently unlawfully engaging in the sale of service contracts in Nevada. Additionally, CHW has
6 not allowed examination of their reserve account pursuant to NRS 690C.170(2)(b), and failed to
7 comply with the Division's request to examine said account. After repeated requests, CHW has
8 failed to provide the Division with the reserve account number and clarify whether the limited
9 information they provided about an account was solely for the use of Nevada Consumers. CHW
10 also initially failed to comply with a request from the Division to provide information about open
11 Nevada accounts forcing the Division to order them through subpoena. The contract CHW uses
12 for Nevada consumers is not the same contract approved by the Division. In addition to all of the
13 above evidence as to CHW's business practices, this constant and ongoing disregard for Nevada
14 and other state regulatory authority makes CHW unsuitable to conduct business in Nevada.
15 During the period CHW was registered as a Service Contractor Provider in Nevada, the Nevada
16 Division of Insurance has received more than 80 consumer complaints, more than any other
17 service contractor business. "Despite these alleged failures to honor the terms of consumers'
18 residential service contracts, CHW paid Mandalawi at least \$2.6 million from January 2011 to
19 September 2013, paid Hakim at least \$3.7 million between December 2010 and September 2013,
20 and paid Seruya at least \$2.1 million between January 2011 and April 2013."⁷

21 DATED this 6th day of September 2017.

22 ADAM PAUL LAXALT
23 Attorney General

24 By:


25 RICHARD PAILI YIEN
26 Deputy Attorney General
27 100 N. Carson Street
28 Carson City, Nevada 89701
(775) 684-1129

⁷ New Jersey Attorney General Complaint

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

Kirk B. Lenhard, Esq.
Brownstein Hyatt Farber Schreck, LLP
100 North City Parkway, Suite 1600
Las Vegas, NV 89106
E-MAIL: klenhard@bhfs.com

Travis F. Chance, Esq.
Brownstein Hyatt Farber Schreck, LLP
100 North City Parkway, Suite 1600
Las Vegas, NV 89106
E-MAIL: tchance@bhfs.com

Lori Grifa, Esq.
Archer & Greiner, P.C.
Court Plaza South, West Wing
21 Main Street, Suite 353
Hackensack, NJ 07601
E-MAIL: lgrifa@archerlaw.com

Alexia M. Emmermann, Esq.
Hearing Officer
Department of Business and Industry
Division of Insurance
1818 East College Parkway, Suite 103
Carson City, NV 89706

Richard Yien, Deputy Attorney General
Nevada Attorney General's Office
E-MAIL: ryien@ag.nv.gov

Alvin Cari
Employee of the State of Nevada
Department of Business and Industry
Division of Insurance

CERTIFICATE OF SERVICE

Pursuant to NRAP 25(1)(b) and 25(1)(d), I, the undersigned, hereby certify that I electronically filed the foregoing **APPELLANT'S APPENDIX (VOLUME I OF XIV)** with the Clerk of Court for the Supreme Court of Nevada by using the Supreme Court of Nevada's E-filing system on May 12, 2020.

I further certify that all participants in this case are registered with the Supreme Court of Nevada's E-filing system, and that service has been accomplished to the following individuals through the Court's E-filing System as indicated below:

Via Electronic Filing System:

Richard P. Yien
Joanna N. Grigoriev

/s/ Joyce Heilich
An Employee of Holland & Hart LLP