

IN THE SUPREME COURT OF THE STATE OF NEVADA

UNITEDHEALTH GROUP,
UNITEDHEALTHCARE
INSURANCE COMPANY; UNITED
HEALTHCARE SERVICES, INC.;
UMR, INC.; OXFORD HEALTH
PLANS, INC.; SIERRA HEALTH
AND LIFE INSURANCE CO., INC.;
SIERRA HEALTH-CARE OPTIONS,
INC.; and HEALTH PLAN OF
NEVADA, INC.,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT, STATE OF NEVADA,
CLARK COUNTY; and THE
HONORABLE NANCY L. ALLF,
District Court Judge,

Respondent,

and

FREMONT EMERGENCY
SERVICES (MANDAVIA), LTD.;
TEAM PHYSICIANS OF NEVADA-
MANDAVIA, P.C.; CRUM,
STEFANKO AND JONES, LTD. dba
RUBY CREST EMERGENCY
MEDICINE,

Real Parties in Interest.

Case No. 81680

District Court Case No. EA-18-782978-1
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Nov 02 2020 07:46 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**REAL PARTIES IN INTEREST
APPENDIX IN SUPPORT OF
ANSWER TO PETITION FOR
WRIT OF PROHIBITION, OR,
ALTERNATIVELY, MANDAMUS**

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Attorneys for Real Parties in Interest

**CHRONOLOGICAL INDEX TO REAL PARTIES IN INTEREST
APPENDIX IN SUPPORT OF ANSWER TO PETITION FOR WRIT OF
PROHIBITION, OR, ALTERNATIVELY, MANDAMUS**

DATE	DOCUMENT	PAGE	RANGE
6/28/2019	Defendants' First Set of Interrogatories to Fremont; Defendants' First Set of Requests for Admissions to Fremont; Defendants' First Set of Requests for Admissions to Fremont (Relevant portions to show date of service)	RPA 001	RPA 009
9/28/2020	Order Granting, in Part Plaintiffs' Motion to Compel Defendants' Production of Claims File for At-Issue Claims, or, in the Alternative, Motion in Limine	RPA 010	RPA 018
10/08/2020	Business Court Scheduling Order and Order Setting: (1) Civil Jury Trial; (2) Calendar Call; and (3) Status Check	RPA 019	RPA 025

**ALPHABETICAL INDEX TO REAL PARTIES IN INTEREST APPENDIX
IN SUPPORT OF ANSWER TO PETITION FOR WRIT OF
PROHIBITION, OR, ALTERNATIVELY, MANDAMUS**

DATE	DOCUMENT	PAGE	RANGE
10/08/2020	Business Court Scheduling Order and Order Setting: (1) Civil Jury Trial; (2) Calendar Call; and (3) Status Check	RPA 019	RPA 025
6/28/2019	Defendants' First Set of Interrogatories to Fremont; Defendants' First Set of Requests for Admissions to Fremont; Defendants' First Set of Requests for Admissions to Fremont (Relevant portions to show date of service)	RPA 001	RPA 009

DATE	DOCUMENT	PAGE	RANGE
9/28/2020	Order Granting, in Part Plaintiffs' Motion to Compel Defendants' Production of Claims File for At-Issue Claims, or, in the Alternative, Motion in Limine	RPA 010	RPA 018

AFFIRMATION

Pursuant to NRS 239B.030, the undersigned does hereby affirm that **REAL PARTIES IN INTEREST APPENDIX IN SUPPORT OF ANSWER TO PETITION FOR WRIT OF PROHIBITION, OR, ALTERNATIVELY, MANDAMUS** does not contain the social security number of any person.

DATED this 2nd day of November, 2020.

McDONALD CARANO LLP

By: /s/ Pat Lundvall
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CERTIFICATE OF SERVICE

Pursuant to NRAP 25, I certify that I am an employee of McDonald Carano LLP and that on the 2nd day of November, 2020, a true and correct copy of the foregoing **REAL PARTIES IN INTEREST APPENDIX IN SUPPORT OF ANSWER TO PETITION FOR WRIT OF PROHIBITION, OR, ALTERNATIVELY, MANDAMUS** was electronically filed with the Clerk of the court for the Nevada Supreme Court by using the Nevada Supreme Court's E-Filing system (Eflex) and served via this court's electronic filing system to all parties listed on the e-service master list, namely:

D. Lee Roberts, Jr., Esq.
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Attorneys for Petitioners

In addition, a courtesy copy of the **REAL PARTIES IN INTEREST APPENDIX IN SUPPORT OF ANSWER TO PETITION FOR WRIT OF PROHIBITION, OR, ALTERNATIVELY, MANDAMUS** will be sent via U.S.

Mail with postage prepaid on November 3, 2020 to the following:

The Honorable Judge Nancy L. Allf
Eighth Judicial District Court
Department No. 27
Regional Justice Center
200 Lewis Ave.,
Las Vegas, Nevada 89155

/s/ Marianne Carter

Marianne Carter



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Insurance Company, United HealthCare Services, Inc.,
10 *UMR, Inc., Oxford Health Plans, Inc.,*
Sierra Health and Life Insurance Co., Inc.,
11 *Sierra Health-Care Options, Inc., and*
Health Plan of Nevada, Inc.
12
13

14 UNITED STATES DISTRICT COURT
15 DISTRICT OF NEVADA

16 FREMONT EMERGENCY SERVICES
17 (MANDAVIA), LTD., a Nevada professional
corporation,

18 Plaintiff,

19 vs.

20 UNITED HEALTHCARE INSURANCE
COMPANY, a Connecticut corporation; UNITED
21 HEALTH CARE SERVICES INC. dba
UNITEDHEALTHCARE, a Minnesota
22 corporation; UMR, INC. dba UNITED
MEDICAL RESOURCES, a Delaware
23 corporation; OXFORD HEALTH PLANS, INC.,
a Delaware corporation; SIERRA HEALTH AND
24 LIFE INSURANCE COMPANY, INC., a Nevada
corporation; SIERRA HEALTH-CARE
25 OPTIONS, INC., a Nevada corporation;
HEALTH PLAN OF NEVADA, INC., a Nevada
26 corporation; DOES 1-10; ROE ENTITIES 11-20,

27 Defendants.
28

Case No.: 2:19-cv-00832-JAD-VCF

**DEFENDANTS' FIRST SET OF
INTERROGATORIES TO FREMONT**



the implied-in-fact contract alleged by Fremont in the Complaint.

6. Identify all individuals who are or have been involved in “business discussions regarding the potential for Fremont to become a participating provider” as referenced in paragraph 26 of the Complaint. The information should include each individual’s full name, address, phone number and what entity they work for or are associated with (i.e. Fremont, Defendants, etc.).

DATED this 28th day of June, 2019.

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Attorneys for Defendants UnitedHealthcare Insurance Company, United HealthCare Services, Inc., UMR, Inc., Oxford Health Plans, Inc., Sierra Health and Life Insurance Co., Inc., Sierra Health-Care Options, Inc., and Health Plan of Nevada, Inc.



RECEIPT OF COPY

RECEIPT OF COPY of DEFENDANTS' FIRST SET OF INTERROGATORIES TO
FREMONT is hereby acknowledged this 28th of June, 2019.

Kristen T. Gallagher / KLC

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10 *UMR, Inc., Oxford Health Plans, Inc.,*
Sierra Health and Life Insurance Co., Inc.,
11 *Sierra Health-Care Options, Inc., and*
Health Plan of Nevada, Inc.
12

13
14 **UNITED STATES DISTRICT COURT**
15 **DISTRICT OF NEVADA**

16 FREMONT EMERGENCY SERVICES
17 (MANDAVIA), LTD., a Nevada professional
corporation,

18 Plaintiff,

19 vs.

20 UNITED HEALTHCARE INSURANCE
COMPANY, a Connecticut corporation; UNITED
21 HEALTH CARE SERVICES INC. dba
UNITEDHEALTHCARE, a Minnesota
22 corporation; UMR, INC. dba UNITED
MEDICAL RESOURCES, a Delaware
23 corporation; OXFORD HEALTH PLANS, INC.,
a Delaware corporation; SIERRA HEALTH AND
24 LIFE INSURANCE COMPANY, INC., a Nevada
corporation; SIERRA HEALTH-CARE
25 OPTIONS, INC., a Nevada corporation;
HEALTH PLAN OF NEVADA, INC., a Nevada
26 corporation; DOES 1-10; ROE ENTITIES 11-20,

27 Defendants.
28

Case No.: 2:19-cv-00832-JAD-VCF

**DEFENDANTS' FIRST SET OF
REQUESTS FOR ADMISSIONS TO
FREMONT**



1 5. Admit that for at least one of the Healthcare Claims that Fremont is asserting in
2 this Action, the Defendants' partial payment of the Healthcare Claim was a result of the
3 Defendants' assertion that some of the medical services for which Fremont sought payment were
4 not covered by that patient/plan member's particular health insurance plan.

5 6. Admit that for at least one of the Healthcare Claims that Fremont is asserting in
6 this Action, the plan member that Fremont treated has an employer provided/sponsored health
7 insurance plan.

8 7. In regard to the more than 10,800 patients that Fremont alleges it provided
9 emergency services to who were members of United HealthCare's Health Plans (see Complaint
10 at ¶ 25), admit that at least one of these patients had a health plan that contains terms governing
11 the rate of reimbursement to plan members for medical services that plan members receive from
12 out-of-network and/or non-participating providers.

13 DATED this 28th day of June, 2019.

14
15 

16 D. Lee Roberts, Jr., Esq.
17 Colby L. Balkenbush, Esq.
18 Josephine E. Groh, Esq.
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26 *Inc., UMR, Inc., Oxford Health Plans, Inc.,*
27 *Sierra Health and Life Insurance Co., Inc.,*
28 *Sierra Health-Care Options, Inc., and*
Health Plan of Nevada, Inc.



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RECEIPT OF COPY of DEFENDANTS' FIRST SET OF REQUESTS FOR
ADMISSIONS TO FREMONT is hereby acknowledged this 28th of June, 2019.

Kristen T. Gallagher / *KHG*

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Health Plan of Nevada, Inc.*

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FREMONT EMERGENCY SERVICES
(MANDAVIA), LTD., a Nevada professional
corporation,

Plaintiff,

vs.

UNITED HEALTHCARE INSURANCE
COMPANY, a Connecticut corporation; UNITED
HEALTH CARE SERVICES INC. dba
UNITEDHEALTHCARE, a Minnesota
corporation; UMR, INC. dba UNITED
MEDICAL RESOURCES, a Delaware
corporation; OXFORD HEALTH PLANS, INC.,
a Delaware corporation; SIERRA HEALTH AND
LIFE INSURANCE COMPANY, INC., a Nevada
corporation; SIERRA HEALTH-CARE
OPTIONS, INC., a Nevada corporation;
HEALTH PLAN OF NEVADA, INC., a Nevada
corporation; DOES 1-10; ROE ENTITIES 11-20,

Defendants.

Case No.: 2:19-cv-00832-JAD-VCF

**DEFENDANTS' FIRST SET OF
REQUESTS FOR PRODUCTION OF
DOCUMENTS TO FREMONT**



1 22. Please produce all written agreements with any third parties concerning the
2 Healthcare Claims that Fremont is asserting in this Action.

3 DATED this 28th day of June, 2019.

4
5 

6 D. Lee Roberts, Jr., Esq.
7 Colby L. Balkenbush, Esq.
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17 *Sierra Health and Life Insurance Co., Inc.,*
18 *Sierra Health-Care Options, Inc., and*
19 *Health Plan of Nevada, Inc.*

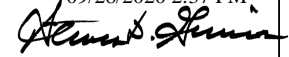


RECEIPT OF COPY

RECEIPT OF COPY of **DEFENDANTS' FIRST SET OF REQUESTS FOR**
PRODUCTION OF DOCUMENTS TO FREMONT is hereby acknowledged this 28th of
June, 2019.

Kristen T. Gallagher / *KTC*

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Attorneys for Plaintiffs

DISTRICT COURT

CLARK COUNTY, NEVADA

FREMONT EMERGENCY SERVICES
(MANDAVIA), LTD., a Nevada professional
corporation; TEAM PHYSICIANS OF
NEVADA-MANDAVIA, P.C., a Nevada
professional corporation; CRUM,
STEFANKO AND JONES, LTD. dba RUBY
CREST EMERGENCY MEDICINE, a
Nevada professional corporation,

Plaintiffs,

vs.

UNITEDHEALTH GROUP, INC., a
Delaware corporation; UNITED
HEALTHCARE INSURANCE COMPANY,
a Connecticut corporation; UNITED
HEALTH CARE SERVICES INC., dba
UNITEDHEALTHCARE, a Minnesota
corporation; UMR, INC., dba UNITED
MEDICAL RESOURCES, a Delaware
corporation; OXFORD HEALTH PLANS,
INC., a Delaware corporation; SIERRA
HEALTH AND LIFE INSURANCE
COMPANY, INC., a Nevada corporation;
SIERRA HEALTH-CARE OPTIONS, INC.,
a Nevada corporation; HEALTH PLAN OF
NEVADA, INC., a Nevada corporation;
DOES 1-10; ROE ENTITIES 11-20,

Defendants.

Case No.: A-19-792978-B
Dept. No.: XXVII

**ORDER GRANTING, IN PART
PLAINTIFFS' MOTION TO COMPEL
DEFENDANTS' PRODUCTION OF
CLAIMS FILE FOR AT-ISSUE CLAIMS,
OR, IN THE ALTERNATIVE,
MOTION IN LIMINE**

This matter came before the Court on September 9, 2020 on plaintiffs Fremont
Emergency Services (Mandavia), Ltd. ("Fremont"); Team Physicians of Nevada-Mandavia, P.C.

1 (“Team Physicians”); Crum, Stefanko and Jones, Ltd. dba Ruby Crest Emergency Medicine’s
2 (“Ruby Crest” and collectively the “Health Care Providers”) Motion to Compel Defendants’
3 Production of Claims File for At-Issue Claims Or, In the Alternative, Motion in Limine on Order
4 Shortening Time (the “Motion”). Pat Lundvall and Amanda M. Perach, McDonald Carano LLP,
5 appeared on behalf of the Health Care Providers. Lee Roberts and Colby L. Balkenbush,
6 Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC, appeared on behalf of defendants
7 UnitedHealth Group, Inc.; UnitedHealthcare Insurance Company; United HealthCare Services,
8 Inc.; UMR, Inc.; Oxford Health Plans, Inc.; Sierra Health and Life Insurance Co., Inc.; Sierra
9 Health-Care Options, Inc.; and Health Plan of Nevada, Inc.’s (collectively, “United”).

10 The Court, having considered the Motion, United’s opposition, and the argument of
11 counsel at the hearing on this matter, finds and orders as follows:

12 1. The Health Care Providers propounded their First Set of Interrogatories
13 (“Interrogatories”) and First Set of Requests for Production of Documents (“RFPs”) on United on
14 or around December 9, 2019.

15 2. In response to 19 RFPs, Resp. to RFP Nos. 3-7, 11-13, 15-20, 24, 37, 39-40, 42
16 (collectively, the “At-Issue RFPs”), United repeats the following objection with variation to
17 acknowledge the request at issue (in bold):

18 Fremont has asserted 15,210 CLAIMS where it alleges that
19 Defendants did not reimburse Fremont for the full amount billed. **To**
20 **produce the documents and communications related to any**
21 **decision to reduce payment on a CLAIM**, Defendants would,
22 among other things, have to pull the administrative record for each
23 of the 15,210 individual CLAIMS, review the records for
privileged/protected information and then produce them. As
explained more fully in the burden declaration attached as Exhibit
1, this would be unduly burdensome as Defendants believe it will
take 2 hours to pull each individual claim file for a total of 30,420
hours of employee labor.

24 Fremont has asserted 15,210 claims where it alleges that Defendants
25 did not reimburse Fremont for the full amount billed. **To produce**
26 **the documents and communications that relate to the**
27 **methodology used to calculate the amount of reimbursement**
28 **paid on Fremont's claims**, Defendants would, among other things,
have to pull the administrative record for each of the 15,210
individual claims, review the records for privileged/protected
information and then produce them. As explained more fully in the
burden declaration attached as Exhibit 1 to, this would be unduly

burdensome as Defendants believe it will take 2 hours to pull each individual claim file for a total of 30,420 hours of employee labor.

~~3. With respect to 5 Interrogatories, Answers to Interrog. Nos. 1, 5, 7, 8, 12 (collectively, the "At-Issue Interrogatories"), United repeats the same objection with the same variation to account for the question:~~

Assuming those are the claims Fremont intended to refer to, Defendants object to this Interrogatory on the basis that it is unduly burdensome and seeks information that is not proportional to the needs of the case. Fremont has asserted 15,210 CLAIMS where it alleges that Defendants did not reimburse Fremont for the full amount billed. To determine how the amount of reimbursement for each CLAIM was determined, Defendants would, among other things, have to pull the administrative record for each of the 15,210 individual CLAIMS and analyze it. As explained more fully in the burden declaration attached as Exhibit 1, this would be unduly burdensome and not proportional to the needs of the case as Defendants believe it will take 2 hours to pull each individual administrative record for a total of 30,420 hours of employee labor.

4. Each of these objections is based on United's assertion that it is unduly burdensome to retrieve and produce what United refers to as the "administrative record."

5. On February 10, 2020, counsel for the Health Care Providers offered to reduce United's burden of producing certain Explanation of Benefits forms ("EOBs") and Providers Remittance Advice forms ("PRAs") by matching data contained in the Health Care Providers' at-issue claims spreadsheets:

In advance of Wednesday's hearing, below is a discovery proposal that would result in an expedited ability for the parties to agree on the health care claims data and would eliminate or greatly reduce the need for United to collect and produce provider remittance forms/provider EOBs except for where the parties identify a discrepancy in the billed amount or allowed amounts or as specified below. Similarly, it would eliminate or greatly reduce the need for Fremont to collect and produce HCFA forms and related billing documents. Please review and let me know in advance of Wednesday's hearing whether United will agree to the following:

The Health Care Providers have already produced a spreadsheet that includes member name and Defendants' claim no. (to the extent available in Health Care Providers' automated system), in addition to other fields:

- Within 14 days, United provides matched spreadsheets and identifies any discrepancy in billed or allowed amounts fields;
- Within 7 days thereafter, for claims upon which the billed and allowed data match, parties stipulate that there is no need for further production of EOBs and provider remittances for evidentiary purposes related to establishing the existence of the claim, services

provided, amount billed by Health Care Providers and amount allowed by United.

- Approximately every quarter, this process will take place again with any new claims included in the Litigation Claims Spreadsheet that accrued after the previous spreadsheet was submitted.

United produces all EOBs/provider remittances for all Data iSight processed NV claims submitted by the Health Care Providers; and

United and the Health Care Providers respectively agree to provide a market file, i.e. a spreadsheet of payments from other payers (Health Care Providers) or a spreadsheet of payments to other providers (United) in the market which identifies the specific payer or provider, as applicable (for the time period 2016-Present). The parties agree to meet and confer promptly to agree on specified fields.

6. Counsel for United and the Health Care Providers engaged in meet and confers on these objections on June 9, 15 and 23 (addressing RFP Nos. 11, 12, 13, 21, 27, 37 and 44) and July 20, 21 and August 3, 2020 (addressing RFP Nos. 3-7, 11-13, 15-20, 24, 37, 39-40, 42 and Interrog. Nos. 1, 5, 7, 8 and 12)

7. United representative Sandra Way (“Way”) provided a declaration (the “Way Declaration”) setting forth the contention that it would take four full-time United representatives working for three years to pull records for the at-issue claims in this litigation. The Way Declaration does not state she has tried to review or retrieve any information in connection with this litigation.

8. During meet and confer efforts, United’s counsel stated that the only responsive documents that existed with respect to the At-Issue RFPs appeared in the “administrative record” and that it was standing on its undue burden objection.

9. Thereafter, the Health Care Providers filed the subject Motion.

10. The Health Care Providers have disclosed spreadsheets which list each of the at-issue claims (the “At-Issue Claims”) in FESM00344 and intend to supplement these spreadsheets on a regular basis (collectively the “Claims Spreadsheets”).

11. In opposition to the Motion, United states that the documents relating to the At-Issue Claims that would be responsive to the At-Issue RFPs consist of the “administrative record” for each claim and that the “administrative record” consists of five categories of documents:

- a. Member Explanations of Benefits (“EOBs”);

- 1 b. Provider EOBs and/or Provider Remittance Advices (“PRAs”);
- 2 c. Appeals documents;
- 3 d. Any other documents comprising the administrative record, such as
- 4 correspondence or clinical records submitted by the provider with its claim for
- 5 reimbursement;
- 6 e. The plan documents in effect at the time of service.

7 (collectively, the “Administrative Record”)

8 12. The party from whom discovery is sought, must show that the information is not
9 reasonably accessible because of undue burden or cost. NRCP 26(b)(2)(B). “[T]he fact that
10 discovery may involve some inconvenience or expenses is not sufficient, standing alone, to avoid
11 the discovery process.” *Martinez v. James River Ins. Co.*, No. 2:19-cv-01646-RFB-NJK, 2020
12 WL 1975371, at *1 (D. Nev. Apr. 24, 2020).

13 13. The Way Declaration does not assert that claim information is not reasonably
14 accessible because of undue burden, nor does she assert any particular cost associated with
15 retrieving and producing the information.

16 14. As a result, the Way Declaration does not meet the considerations under NRCP
17 26(b)(2)(B).

18 15. Even if United could make that showing, the Court “may nonetheless order
19 discovery from such sources if the requesting party shows good cause, considering the limitations
20 of Rule 26(b)(2)(C).” NRCP 26(b)(2)(B).

21 16. There is no basis for the Court to limit the claim-file discovery under NRCP
22 26(b)(2)(C) because (1) the discovery sought is not unreasonably cumulative or duplicative, and
23 cannot be obtained from a source other than United, much less from another source that is more
24 convenient, less burdensome, or less expensive; (2) the Health Care Providers have not had ample
25 opportunity to obtain the information by discovery in the action; and (3) the proposed discovery
26 is not outside the scope permitted by Rule 26(b)(1).

27 17. The Court has considered United’s argument that the Motion should be denied
28 based on the Doctrine of Unclean Hands. The Court finds that that argument has no merit.

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18. The Court has also considered United's argument that the method of production of the Administrative Records would not be proportional to the needs of the case. United's proposal to employ statistical sampling methodology, require the parties to employ experts to attempt to match each party's claims data, and/or only require the parties to produce documents related to a smaller set of the at-issue claims does not sufficiently address the discovery needed for the Health Care Providers to prosecute this case. ~~The Court further finds that the discovery sought in the Motion is proportional to the needs of this case considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.~~

NLA

Accordingly, good cause appearing, therefor,

ORDER

IT IS HEREBY ORDERED that the Health Care Providers' Motion to Compel Defendants' Production of Claims File for At-Issue is GRANTED.

IT IS FURTHER ORDERED that the Health Care Providers' alternative Motion in Limine is premature and is therefore **DENIED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that United's objections based on undue burden for the
 At-Issue RFPs and At-Issue Interrogatories are hereby **OVERRULED**.

IT IS FURTHER ORDERED that United shall produce all Administrative Records for each of the At-Issue Claims on or before September 23, 2020. ~~In the event United does not~~

~~dispute certain claim information contained in the Claim Spreadsheets, United shall not be required to produce EOBs or PRAs for the particular At-Issue Claims which are undisputed.~~

~~IT IS FURTHER ORDERED~~ that United shall timely supplement its production of Administrative Records for each of the At-Issue Claims upon disclosure of new Claim

~~Spreadsheets by the Health Care Providers.~~ NLA

NLA

IT IS FURTHER ORDERED that there will be a Status Check on the performance of United's production of those documents set for three weeks from the entry of this order to inform the Judge what production will be possible and when.

Case No.: A-19-792978-B

**Order Granting, In Part Plaintiffs'
Motion To Compel Defendants'
Production Of Claims File For At-Issue Claims,
Or, In The Alternative, Motion In Limine**

~~IT IS FURTHER ORDERED that a status check on United's compliance with this Order
shall take place on September 30, 2020 at 1:30 p.m.~~

IT IS SO ORDERED.

Dated this 28th day of September, 2020

Nancy L. Alf
DISTRICT COURT JUDGE

15B A6E F22F E3DA NB

Submitted by:

Approved, as to form and content:
Nancy Alf
District Court Judge

McDONALD CARANO LLP

WEINBERG, WHEELER, HUDGINS,
GUNN & DIAL, LLC

By: /s/ Amanda Perach
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By: /s/
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Attorneys for Plaintiffs

Attorneys for Defendants

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Fremont Emergency Services
(Mandavia) Ltd, Plaintiff(s)

CASE NO: A-19-792978-B

7 vs.

DEPT. NO. Department 27

8
9 United Healthcare Insurance
Company, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12
13 This automated certificate of service was generated by the Eighth Judicial District
14 Court. The foregoing Order Granting was served via the court's electronic eFile system to all
recipients registered for e-Service on the above entitled case as listed below:

15 Service Date: 9/28/2020

16 Audra Bonney	abonney@wwhgd.com
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1 **SCHTO**

2 **DISTRICT COURT**
3 **CLARK COUNTY, NEVADA**

4 **FREMONT EMERGENCY SERVICES**
5 **(MANDAVIA), LTD., a Nevada professional**
6 **corporation; TEAM PHYSICIANS OF NEVADA-**
7 **MANDAVA, P.C., a Nevada professional**
8 **corporation; CRUM, STEFANKO AND JONES,**
9 **LTD. dba RUBY CREST EMERGENCY**
10 **MEDICINE, a Nevada professional corporation,**

CASE NO: A-19-792978-B

DEPT. NO. 27

ENTERED kl

11 **Plaintiff(s),**

12 **vs.**

13 **UNITEDHEALTH GROUP, INC., a Delaware**
14 **corporation; UNITED HEALTHCARE**
15 **INSURANCE COMPANY, a Connecticut**
16 **corporation; UNITED HEALTH CARE**
17 **SERVICES INC., dba UNITEDHEALTHCARE, a**
18 **Minnesota corporation; UMR, INC., dba UNITED**
19 **MEDICAL RESOURCES, a Delaware**
20 **corporation; OXFORD HEALTH PLANS, INC., a**
21 **Delaware corporation; SIERRA HEALTH AND**
22 **LIFE INSURANCE COMPANY, INC., a Nevada**
23 **corporation; SIERRA HEALTH-CARE**
24 **OPTIONS, INC., a Nevada corporation; HEALTH**
25 **PLAN OF NEVADA, INC., a Nevada corporation,**

26 **Defendant(s),**

27 **BUSINESS COURT SCHEDULING ORDER AND**
28 **ORDER SETTING: (1) CIVIL JURY TRIAL;**
(2) CALENDAR CALL; AND (3) STATUS CHECK

29 This BUSINESS COURT SCHEDULING ORDER SETTING CIVIL JURY TRIAL AND
30 CALENDAR CALL is entered following the Mandatory Rule 16 Conference held on July 23, 2020.

1 Pursuant to NRCP 16.1(f) this case has been deemed complex and all discovery disputes will be resolved
2 by this Court. This Order may be amended or modified by the Court upon good cause shown.

3 **IT IS HEREBY ORDERED** that the parties will comply with the following deadlines:

4	Discovery Cut Off Date:	12/30/20
5	Last Day to file motion to amend or add parties:	10/01/20
6	Initial expert witness designation:	10/01/20
7	Rebuttal expert disclosures due:	11/01/21
8	Final Date to file Motions in Limine or other Dispositive Motions	01/29/21
9	Status Check:	02/04/21
10	Calendar Call:	03/11/21
11	Trial Date:	03/15/21

12 **IT IS HEREBY ORDERED THAT:**

13 A. The above entitled case is set to be tried to a Jury on a **Five week stack** to begin,
14 **March 15, 2021 at 10:30 a.m.** The trial will be held in Department 27, Courtroom
15 **3A located in the Regional Justice Center, 200 Lewis Avenue, Las Vegas, Nevada 89155.**

16 B. Calendar Call with the designated attorney and/or parties in proper person will be
17 held on **March 11, 2021 at 10:30 a.m.** Parties must have the following ready for trial:

- 18 (1) Typed exhibit lists; with all stipulated exhibits marked;
- 19 (2) List of depositions;
- 20 (3) List of equipment needed for trial, including audiovisual equipment;¹
- 21 (4) Courtesy copies of any legal briefs on trial issues; and
- 22 (5) Jury Instructions in two groups, opposed and unopposed. **Each side**
23 **shall have ready for trial an agreed set of jury instructions,**
24 **proposed form of verdict along with any additional**
25 **proposed jury instructions.**

26 C. Parties are to appear on **February 4, 2021 at 9:30 a.m.** for a Status Check on
27 trial readiness.

28 ¹ If counsel anticipates the need for audio visual equipment during the trial, a request must be submitted to
the Court Recorder, Brynn White at (702) 671-0883 or via e-mail at whiteb@clarkcountycourts.us.

1 D. The Pre-Trial Memorandum must be filed no later than **March 8, 2021**, with a
2 courtesy copy delivered to Department XXVII. All parties, (Attorneys and parties in proper person)
3 **MUST** comply with **All REQUIREMENTS** of E.D.C.R. 2.67, 2.68 and 2.69. Counsel should include
4 the Memorandum an identification of orders on all motions in limine or motions for partial summary
5 judgment previously made, a summary of any anticipated legal issues remaining, a brief summary of the
6 opinions to be offered by any witness to be called to offer opinion testimony as well as any objections to
7 the opinion testimony.
8

9 E. All motions in limine, must be in writing and filed no later than **January 29, 2021**.

10 F. All original depositions anticipated to be used in any manner during the trial must be
11 delivered to the clerk prior to the start of trial. If deposition testimony is anticipated to be used in lieu of
12 live testimony, a designation (by page/line citation) of the portions of the testimony to be offered must
13 be filed and served by facsimile or hand, two (2) judicial days prior to the start of trial. Any objections
14 or counterdesignations (by page/line citation) of testimony must be filed and served by facsimile or
15 hand, one (1) judicial day prior to the start of trial.
16

17 G. In accordance with EDCR 2.67, counsel shall meet, review, and discuss exhibits. All
18 exhibits must comply with EDCR 2.27. Two (2) sets must be three hole punched and placed in three
19 ring binders along with the exhibit list. The sets must be delivered to the clerk prior to start of trial.
20 Any demonstrative exhibits including exemplars anticipated to be used must be disclosed prior to the
21 calendar call. Pursuant to EDCR 2.68, counsel shall be prepared to stipulate or make specific objections
22 to individual proposed exhibits. Unless otherwise agreed to by the parties, demonstrative exhibits are
23 marked for identification but not admitted into evidence. Counsel shall advise the clerk prior to
24 publication.

25 H. In accordance with EDCR 2.67, counsel shall meet, review, and discuss items to be
26 included in the Jury Notebook. Pursuant to EDCR 2.68, at Calendar Call, counsel shall be prepared to
27 stipulate or make specific objections to items to be included in the Jury Notebook.
28

1 I. In accordance with EDCR 2.67, counsel shall meet and discuss pre-instructions to the
2 jury, jury instructions, special interrogatories, if requested, and verdict forms. Each side shall provide the
3 Court, at the Calendar Call, an agreed set of jury instructions and proposed form of verdict along with
4 any additional proposed jury instructions with an electronic copy in Word format.

5 J. In accordance with EDCR 7.70, counsel shall file and serve by facsimile or hand, two
6 (2) judicial days prior to Calendar Call voir dire proposed to be conducted pursuant to conducted
7 pursuant to EDCR 2.68.

8
9 **Counsel to contact Department 27 Court Clerk, Nicole McDevitt by email at**
10 **mcdevittn@clarkcountycourts.us or telephone at (702) 671-0672 to schedule the delivery**
11 **of exhibits.**

12 **Failure of the designated trial attorney or any party appearing in proper person to appear**
13 **for any court appearances or to comply with this Order shall result in any of the following: (1)**
14 **dismissal of the action (2) default judgment; (3) monetary sanctions; (4) vacation of trial date;**
15 **and/or any other appropriate remedy or sanction.**

16 Counsel is required to advise the Court immediately when the case settles or is otherwise
17 resolved prior to trial. A stipulation which terminates a case by dismissal shall also indicate whether a
18 Scheduling Order has been filed and, if a trial date has been set, the date of that trial. A copy should be
19 given to Chambers.

20 Dated: October 8, 2020

Dated this 8th day of October, 2020

Nancy L Allf

NANCY ALLF
DISTRICT COURT JUDGE
B1A 6A7 2F2E 384D
Nancy Allf
District Court Judge

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CERTIFICATE OF SERVICE

I hereby certify that on or about the date filed, a copy of the foregoing Order was electronically served pursuant to N.E.F.C.R. Rule 9, to all registered parties in the Eighth Judicial District Court's Electronic Filing Program.

If indicated below, a copy of the foregoing was also:

☐ Mailed by United States Postal Service, Postage prepaid, to the proper parties listed below at their last known address(es) :

_____/s
Karen Lawrence
JUDICIAL EXECUTIVE ASSISTANT

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Fremont Emergency Services
7 (Mandavia) Ltd, Plaintiff(s)

CASE NO: A-19-792978-B

8 vs.

DEPT. NO. Department 27

9 United Healthcare Insurance
10 Company, Defendant(s)

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15 system to all recipients registered for e-Service on the above entitled case as listed below:

Service Date: 10/8/2020

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5	Kelly Gaez	kgaez@wwhgd.com
6	Kimberly Kirn	kkirn@mcdonaldcarano.com

7
8 If indicated below, a copy of the above mentioned filings were also served by mail
9 via United States Postal Service, postage prepaid, to the parties listed below at their last
known addresses on 10/9/2020

10	D Roberts	6385 S Rainbow BLVD STE 400
11		Las Vegas, NV, 89118

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