

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

2 DARIA HARPER; DANIEL WININGER,

3 Appellants,

4 vs.

5 COPPERPOINT MUTUAL
6 INSURANCE HOLDING COMPANY,
7 an Arizona corporation; COPPERPOINT
8 GENERAL INSURANCE COMPANY,
9 an Arizona corporation; LAW OFFICES
10 OF MARSHALL SILVERBERG, P.C., a
11 California corporation; KENNETH
12 MARSHALL SILVERBERG aka
13 MARSHALL SILVERBERG aka K.
14 MARSHALL SILVERBERG, an
15 individual; THOMAS S. ALCH aka
16 THOMAS STEVEN ALCH, an
17 individual; SHOOP, A PROFESSIONAL
18 LAW CORPORATION, a California
19 corporation; DOES 1-50, inclusive,

20 Respondents.

Supreme Court Case No. 82158

District Court Case No. A-20-814541-C

Electronically Filed
Feb 18 2021 12:16 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

21 **APPELLANTS' RESPONSE TO ORDER TO SHOW CAUSE**

22 Appellants Daria Harper and Daniel Wininger, by and through their attorneys of
23 record, John P. Blumberg, Esq., of the law firm BLUMBERG LAW CORPORATION and
24 Jason R. Maier, Esq., of the law firm MAIER GUTIERREZ & ASSOCIATES, submit this
25 response to order to show cause filed on January 21, 2021, regarding a potential
26 jurisdictional defect.

27 The district court entered an order certifying the challenged order as final under
28 NRCp 54(b) on February 6, 2021. A file-stamped copy of the district court's order is
29 attached hereto as **Exhibit 1**.

///

///

///

///

1 Accordingly, Appellants respectfully request that the Supreme Court of Nevada
2 issue an order reinstating briefing and allow this appeal to proceed.

3 DATED this 18th day of February, 2021.

4 Respectfully submitted,

5 **MAIER GUTIERREZ & ASSOCIATES**

6 /s/ Jason R. Maier

7 JASON R. MAIER, ESQ.
8 Nevada Bar No. 8557
9 8816 Spanish Ridge Avenue
 Las Vegas, Nevada 89148
 Tel: 702.629.7900
 Fax: 702.629.7925

10 JOHN P. BLUMBERG, ESQ.
11 California Bar No. 70200
12 (admitted pro hac vice)
13 **BLUMBERG LAW CORPORATION**
14 444 West Ocean Blvd., Suite 1500
 Long Beach, California 90802-4330
 Tel: 562.437.0403
 Fax: 562.432.0107

15 *Attorneys for Appellants*

- 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

1. I hereby certify that Appellants' Response to Order to Show Cause complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word in 14 point Times New Roman font.

2. I further certify that Appellants' Response to Order to Show Cause complies with the page- or type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is proportionately spaced, has a typeface of 14 points or more, and contains 140 words.

3. Finally, I hereby certify that I have read Appellants' Response to Order to Show Cause, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

DATED this 18th day of February, 2021.

Respectfully submitted,

MAIER GUTIERREZ & ASSOCIATES

/s/ Jason R. Maier

JASON R. MAIER, ESQ.
Nevada Bar No. 8557
8816 Spanish Ridge Avenue
Las Vegas, Nevada 89148
Tel: 702.629.7900
Fax: 702.629.7925

Attorneys for Appellants

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

CERTIFICATE OF SERVICE

I certify that on the 18th day of February, 2021, this document was electronically filed with the Nevada Supreme Court, thus electronic service of the foregoing **APPELLANTS’ RESONSE TO ORDER TO SHOW CAUSE** shall be made in accordance with the Master Service List as follows:

Dalton L. Hooks, Jr., Esq.
HOOKS MENG & CLEMENT
2820 West Charleston Blvd., Suite C-23
Las Vegas, Nevada 89102
*Attorneys for Defendants Copperpoint Mutual Insurance Holding Company
and Copperpoint General Insurance Company*

Robert C. McBride, Esq.
Heather S. Hall, Esq.
MCBRIDE HALL
8329 W. Sunset Road, Suite 260
Las Vegas, Nevada 89113

and

James Kjar, Esq.
Jon Schwalbach, Esq.
KJAR, MCKENNA & STOCKALPER LLP
841 Apollo Street, Suite 100
El Segundo, California 90245
*Attorneys for Defendants Kenneth Marshall Silverberg and
Law Offices of Marshall Silverberg*

David A. Clark, Esq.
LIPSON NEILSON P.C.
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144
*Attorneys for defendants Shoop A Professional Law Corporation
and Thomas S. Alch*

/s/ Natalie Vazquez
An Employee of MAIER GUTIERREZ & ASSOCIATES

EXHIBIT 1

EXHIBIT 1

ORDR

JOHN P. BLUMBERG, ESQ.
California Bar No. 70200
(admitted pro hac vice)

BLUMBERG LAW CORPORATION
444 West Ocean Blvd., Suite 1500
Long Beach, California 90802-4330
Telephone: 562.437.0403
Facsimile: 562.432.0107
E-mail: advocates@blumberglaw.com

JASON R. MAIER, ESQ.
Nevada Bar No. 8557
MAIER GUTIERREZ & ASSOCIATES
8816 Spanish Ridge Avenue
Las Vegas, Nevada 89148
Telephone: 702.629.7900
Facsimile: 702.629.7925
E-mail: jrm@mgalaw.com

Attorneys for Plaintiffs

DISTRICT COURT

CLARK COUNTY, NEVADA

DARIA HARPER, an individual; and DANIEL
WININGER, an individual,

Plaintiffs,

vs.

COPPERPOINT MUTUAL INSURANCE
HOLDING COMPANY, an Arizona corporation;
COPPERPOINT GENERAL INSURANCE
COMPANY, an Arizona corporation; LAW
OFFICES OF MARSHALL SILVERBERG, P.C.,
a California corporation; KENNETH
MARSHALL SILVERBERG aka MARSHALL
SILVERBERG aka K. MARSHALL
SILVERBERG, an individual; THOMAS S.
ALCH aka THOMAS STEVEN ALCH, an
individual; SHOOP, A PROFESSIONAL LAW
CORPORATION, a California corporation;
DOES 1-50, inclusive,
Defendants.

Case No.: A-20-814541-C
Dept. No.: XXX

**ORDER GRANTING PLAINTIFFS'
MOTION TO CERTIFY ORDER
ENTERED ON 10/26/20 AS FINAL
PURSUANT TO NRCP 54(B)**

This matter came on before the Court in chambers on December 30, 2020, on the motion to
certify order entered on 10/26/20 as final pursuant to NRCP 54(b) filed by plaintiffs Daria Harper and
Daniel Winger ("Plaintiffs").

1 The Court, having reviewed the pleadings and papers on file herein, and for good cause
2 appearing, makes the following findings of fact and conclusions of law:

3 Plaintiff Daria Harper was injured in a work-related accident while employed in Arizona. Her
4 employer carried workers compensation insurance with Defendant CopperPoint General Insurance
5 Company. Plaintiff Daria Harper sought treatment in Nevada, which was rendered in a negligent
6 manner. Defendant CopperPoint General Insurance Company rendered payment to various Nevada
7 health care providers because the injury-causing treatment was pursuant to a work-related injury, as
8 required under Arizona workers' compensation law. Ultimately, Defendant Copperpoint General
9 Insurance Company paid benefits of \$3,171,095.00.

10 As a result of her treatment, Plaintiff Daria Harper was rendered a quadriplegic. Plaintiffs
11 then filed a medical malpractice suit in Clark County, Nevada. In January of 2016, Defendant
12 Copperpoint General Insurance Company contacted counsel for Plaintiffs in the underlying medical
13 malpractice action to notify counsel of the existence of a valid lien related to the medical malpractice
14 litigation. In March of that year, Plaintiffs' counsel in the underlying medical malpractice litigation
15 replied by requesting documents relevant to the underlying medical malpractice litigation. In June
16 2016, Plaintiffs settled with the Nevada healthcare providers for \$6,250,000.00.

17 On June 22, 2018, Defendant Copperpoint General Insurance Company sent Plaintiffs a letter
18 asking for an update. Counsel for Plaintiffs in the underlying medical malpractice litigation informed
19 Defendant Copperpoint General Insurance Company that the matter was settled and no lien was valid
20 against the settlement because, in his opinion, NRS 42.021 precludes such a lien. Defendant
21 Copperpoint General Insurance Company then sent a notice of claim status, informing Plaintiffs of
22 their belief in the validity of the lien pursuant to Arizona statute A.R.S. 23-1023, and informing
23 Plaintiffs that further medical expenses would not be paid until the funds paid by Defendant
24 Copperpoint General Insurance Company had been recouped as provided by Arizona law. After
25 service of this notice, Defendant Copperpoint General Insurance Company also informed Plaintiff
26 Daria Harper that they would cease providing her any and all benefits in 30 days as provided by
27 Arizona law. One month later, Defendant Copperpoint General Insurance Company sent another
28 letter informing Plaintiff Daria Harper that all benefits were terminated until the lien amount

1 \$3,171,095 was paid pursuant to Arizona law.

2 The Complaint in this case was filed on May 4, 2020, seeking declaratory relief regarding
3 whether Defendant Copperpoint General Insurance Company was entitled to terminate benefits and
4 demand repayment of its lien (whether the lien is valid); seeking injunctive relief to make Defendant
5 Copperpoint General Insurance Company continue to pay workers compensation benefits to Plaintiff
6 Daria Harper (should Defendant Copperpoint General Insurance Company win on the lien issue); and
7 asserting causes of action for legal malpractice and breach of fiduciary duty against Plaintiffs' counsel
8 in the underlying medical malpractice case, Defendants Law Offices of Marshall Silberberg, PC,
9 Kenneth Marshall Silberberg, and Thomas S. Alch aka Thomas Steven Alch, Shoop, a Professional
10 Law Corporation. Plaintiffs also alleged fraud and breach of contract by Defendants Law Offices of
11 Marshall Silberberg, PC, and Kenneth Marshall Silberberg. Plaintiffs also seek punitive damages.

12 On May 20, 2020, Plaintiffs filed an application for TRO and Motion for Preliminary
13 Injunction, in which Plaintiffs sought to: (1) enjoin Defendant Copperpoint from withholding benefits
14 it has been paying to Plaintiff Daria Harper pursuant to the Arizona Workers Compensation Act; (2)
15 enjoin Defendant Copperpoint from seeking an order from the Industrial Commission of Arizona
16 confirming its right to withhold Plaintiff Daria Harper's benefits; (3) to enjoin Defendant Copperpoint
17 from filing any action in Arizona Court pertaining to Plaintiff Daria Harper's workers compensation
18 benefits; and/or (4) compelling Defendant Copperpoint to pay previously-withheld benefits to
19 Plaintiff Daria Harper until after the hearing on Plaintiffs' motion for Preliminary Injunction. Further,
20 Plaintiffs argued that this Court should apply Nevada law to administer workers compensation
21 benefits under Arizona law. Plaintiffs argued that unless Defendant Copperpoint was restrained from
22 withholding benefits, Plaintiffs would suffer irreparable harm because Plaintiff Daria Harper will not
23 be able to pay her medical expenses. Defendant Silberberg filed a Joinder to Plaintiffs' application
24 for TRO on May 27, 2020.

25 Defendant Copperpoint opposed, arguing that Plaintiff was precluded from any further judicial
26 review because Plaintiff elected not to administratively appeal Defendant's determination regarding
27 her claim. Moreover, applying any law other than Arizona law would substantially alter Plaintiff's
28 workers compensation rights. Thus, Defendant Copperpoint argued that this Court should decline to

1 hear this matter given the action pending before the Industrial Commission of Arizona (which was set
2 for hearing on July 7, 2020), or alternatively apply Arizona law, which grants Defendant a lien on
3 Plaintiff's medical malpractice settlement.

4 This Court heard oral argument regarding the Application for TRO and Motion for Preliminary
5 Injunction on July 8, 2020. This Court indicated that there were too many issues raised that would
6 preclude the granting of a preliminary injunction. Additionally, the Court advised that monetary loss
7 was insufficient to establish irreparable harm. Consequently, the Motion for Preliminary Injunction
8 was denied.

9 Subsequently, Defendants Copperpoint and Thomas S. Alch each filed a Motion to Dismiss,
10 or Alternatively, Motion for Summary Judgment. Defendants Law Offices of Marshall Silberberg,
11 PC and Kenneth Marshall Silberberg filed a Joinder to Thomas S. Alch's Motion to Dismiss or
12 Alternatively, Motion for Summary Judgment. Additionally, Defendant Shoop filed a Motion to
13 Dismiss for Lack of Personal Jurisdiction, and Plaintiffs filed a Motion for Partial Summary Judgment.
14 These items were all decided on the papers in an order filed by the Court on October 26, 2020.
15 Defendant Copperpoint's Motion was granted, dismissing Copperpoint from this litigation in their
16 entirety, and Alch's Motion was denied. Shoop's Motion was continued to February 24, 2021, and
17 Plaintiffs' Motion was denied. Plaintiffs filed a Notice of Appeal on November 24, 2020, along with
18 the instant Motion to Certify the October 26, 2020 Order as Final Pursuant to NRCP 54(b). The Case
19 Appeal Statement was filed on December 11, 2020. The \$500 appeal bond was posted on December
20 15, 2020.

21 Plaintiff argues that good cause exists for this Court to certify the order entered on 10/26/20
22 as final pursuant to NRCP 54(b). NRCP 54 expressly allows the Court to certify a judgment to allow
23 for an interlocutory appeal if the judgment does not dispose of all claims raised in the case. Effective
24 March 1, 2019, NRCP 54 states: When an action presents more than one claim for relief whether as
25 a claim, counterclaim, crossclaim, or third-party claim or when multiple parties are involved, the court
26 may direct entry of a final judgment as to one or more, but fewer than all, claims or parties only if the
27 court expressly determines that there is no just reason for delay. Otherwise, any order or other
28 decision, however designated, that adjudicates fewer than all the claims or the rights and liabilities of

1 fewer than all the parties does not end the action as to any of the claims or parties and may be revised
2 at any time before the entry of a judgment adjudicating all the claims and all the parties rights and
3 liabilities. The Court has discretion in deciding whether to grant Rule 54(b) certification. Given the
4 strong policy against piecemeal review, an order granting Rule 54(b) certification should detail the
5 facts and reasoning that make interlocutory review appropriate.

6 In this case, the 10/26/20 order dismissed the Copperpoint defendants from this litigation in
7 their entirety. Therefore, all claims have been adjudicated as against the Copperpoint defendants, and
8 there is no just reason for delay of appellate review. As a threshold matter, the Court considered
9 whether Nevada law or Arizona law must control Copperpoint's lien claim. The Court stated: "this
10 court finds and concludes that when an industrial injury claim is brought in Arizona, by an Arizona
11 resident, and is handled and processed according to Arizona laws and statutes, the Arizona law applies
12 to the industrial injury claim." Thusly, the Court determined, "Copperpoint's claim is correctly based
13 on Arizona law, as that is the law that applies to the industrial injury claim."

14 The Court also considered whether NRS 42.021 applied to preclude the lien recovery after the
15 settlement. In the Court's 10/26/20 order, this Court determined that while NRS 42.021 would
16 arguably have applied if this case were taken to trial, there is no suggestion in the statute, nor in any
17 Nevada case law, that it applies to a settlement, and consequently, NRS 42.021 cannot preclude
18 Copperpoint's lien or offset, pursuant to Arizona workers compensation law. Plaintiff suggests, and
19 the Court agrees, that the Court's order entered on 10/26/20 may have a significant impact on the
20 ultimate resolution of the remaining legal malpractice claims against the Alch, Shoop and Silberberg
21 defendants. Further, certifying the order entered on 10/26/20 as final pursuant to NRCP 54(b) will
22 prevent the waste of resources expended by both the parties and the judiciary necessary to adjudicate
23 this case to its conclusion. The Court also notes that no Oppositions were filed in response to the
24 pending Motion.

25 ///

26 ///

27 ///

28 ///

Accordingly:

IT IS HEREBY ORDERED that the Plaintiffs' Motion to Certify Order Entered on 10/26/20
Dated this 6th day of February, 2021
as Final Pursuant to NRCP 54(b) (as it relates to Plaintiffs' claims against Copperpoint) is hereby
GRANTED.

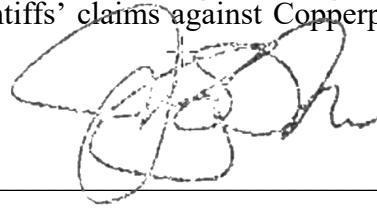


ABB E9A FC6B 1434

Jerry A. Wiese

District Court Judge

Respectfully submitted,

Approved as to form and content,

DATED this 1st day of February 2021.

DATED this 1st day of February 2021.

MAIER GUTIERREZ & ASSOCIATES

MCBRIDE HALL

/s/ Jason R. Maier

/s/ Robert C. McBride

JASON R. MAIER, ESQ.
Nevada Bar No. 8557
8816 Spanish Ridge Avenue
Las Vegas, Nevada 89148

ROBERT C. MCBRIDE, ESQ.
Nevada Bar No. 7082
8329 W. Sunset Road, Suite 260
Las Vegas, Nevada 89113

JOHN P. BLUMBERG, ESQ.
California Bar No. 70200
(admitted pro hac vice)
BLUMBERG LAW CORPORATION
444 West Ocean Blvd., Suite 1500
Long Beach, California 90802-4330
Attorneys for Plaintiffs

JON SCHWALBACH, ESQ.
Nevada Bar No. 280785
KJAR, MCKENNA & STOCKALPER LLP
841 Apollo Street, Suite 100
El Segundo, California 90245
Attorneys for Defendants Kenneth Marshall
Silberberg and Law Offices of Marshall
Silberberg

Approved as to form and content,

Approved as to form and content,

DATED this 1st day of February 2021.

DATED this ____ day of February 2021.

LIPSON NEILSON P.C.

HOOKS MENG & CLEMENT

Disapproved/Competing Order Submitted

/s/ David A. Clark

DAVID A. CLARK ESQ.
Nevada Bar No. 4443
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144
Attorneys for Defendant Thomas S. Alch

DALTON L. HOOKS, JR. ESQ.
Nevada Bar No. 8121
SAMI RANDOLPH, ESQ.
Nevada Bar No. 7876
2820 W. Charleston Boulevard, Suite C-23
Las Vegas, Nevada 89102
Attorneys for Defendants Copperpoint
Mutual Insurance Holding Company and
Copperpoint General Insurance Company

Natalie Vazquez

From: Robert McBride <rcmcbride@mcbridehall.com>
Sent: Monday, February 01, 2021 1:35 PM
To: Jason Maier; dclark@lipsonneilson.com; Heather S. Hall
Cc: Natalie Vazquez; John Blumberg
Subject: Re: [Order granting plaintiffs' motion to certify] Harper, et al. v. Copperpoint Mutual Insurance Holding Company, et al.

You have my approval. Thanks.

Robert C. McBride, Esq.
rcmcbride@mcbridehall.com | mcbridehall.com
8329 West Sunset Road
Suite 260
Las Vegas, Nevada 89113
Telephone: (702) 792-5855
Facsimile: (702) 796-5855



MCBRIDE HALL
ATTORNEYS AT LAW

NOTICE: THIS MESSAGE IS CONFIDENTIAL, INTENDED FOR THE NAMED RECIPIENT(S) AND MAY CONTAIN INFORMATION THAT IS (I) PROPRIETARY TO THE SENDER, AND/OR, (II) PRIVILEGED, CONFIDENTIAL, AND/OR OTHERWISE EXEMPT FROM DISCLOSURE UNDER APPLICABLE STATE AND FEDERAL LAW, INCLUDING, BUT NOT LIMITED TO, PRIVACY STANDARDS IMPOSED PURSUANT TO THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 ("HIPAA"). IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY REPLY E-MAIL OR BY TELEPHONE AT [\(702\) 792-5855](tel:7027925855), AND DESTROY THE ORIGINAL TRANSMISSION AND ITS ATTACHMENTS WITHOUT READING OR SAVING THEM TO DISK. THANK YOU.

From: Jason Maier <jrm@mgalaw.com>
Date: Monday, February 1, 2021 at 1:07 PM
To: dclark@lipsonneilson.com <dclark@lipsonneilson.com>, Heather S. Hall <hshall@mcbridehall.com>, Robert McBride <rcmcbride@mcbridehall.com>
Cc: Natalie Vazquez <ndv@mgalaw.com>, John Blumberg <jblumberg@blumberglaw.com>
Subject: FW: [Order granting plaintiffs' motion to certify] Harper, et al. v. Copperpoint Mutual Insurance Holding Company, et al.

David/Robert/Heather: In light of Sami's impasse email, will you please provide us with authority to affix e-signatures so we can get the version we all agreed upon submitted to chambers today? It is imperative that we get this order submitted asap given the NVSC's order to show cause. We will also be sending a cover letter to chambers outlining the disagreements. Thanks.

Jason R. Maier

MAIER GUTIERREZ & ASSOCIATES

8816 Spanish Ridge Avenue

Las Vegas, Nevada 89148

Tel: 702.629.7900 | Fax: 702.629.7925

jrm@mgalaw.com | www.mgalaw.com

From: Sami Randolph <srandolph@hmc.law>

Sent: Monday, February 01, 2021 10:39 AM

To: Jason Maier <jrm@mgalaw.com>; Heather S. Hall <hshall@mcbridehall.com>; dclark@lipsonneilson.com; Robert McBride <rcmcbride@mcbridehall.com>; mckenna@kmslegal.com; kjar@kmslegal.com; Candace P. Cullina <ccullina@mcbridehall.com>; Terry Rodriguez <trodriguez@hmc.law>

Cc: Natalie Vazquez <ndv@mgalaw.com>; John Blumberg <jblumberg@blumberglaw.com>

Subject: RE: [Order granting plaintiffs' motion to certify] Harper, et al. v. Copperpoint Mutual Insurance Holding Company, et al.

In relation to the objections. We do not intend to continue to argue the basis for the objections. My last email request was the Order be revised to include a direct quote the from the Order of Judge Wiese. The transitional language can be removed. As such, something to the effect of,

The Court stated: “this court finds and concludes that when an industrial injury claim is brought in Arizona, by an Arizona resident, and is handled and processed according to Arizona laws and statutes, the Arizona law applies to the industrial injury claim.” The Court further stated “Copperpoint’s claim is correctly based on Arizona law, as that is the law that applies to the industrial injury claim.”

From: Jason Maier <jrm@mgalaw.com>

Sent: Saturday, January 30, 2021 9:57 AM

To: Sami Randolph <srandolph@hmc.law>; Heather S. Hall <hshall@mcbridehall.com>; dclark@lipsonneilson.com; Robert McBride <rcmcbride@mcbridehall.com>; mckenna@kmslegal.com; kjar@kmslegal.com; Candace P. Cullina <ccullina@mcbridehall.com>; Terry Rodriguez <trodriguez@hmc.law>

Cc: Natalie Vazquez <ndv@mgalaw.com>; John Blumberg <jblumberg@blumberglaw.com>

Subject: RE: [Order granting plaintiffs' motion to certify] Harper, et al. v. Copperpoint Mutual Insurance Holding Company, et al.

Importance: High

David/Robert/Heather: Attached is a final modified order per the emails below. Please provide us your permission to affix e-signatures so we can submit to chambers on Monday. Thank you.

Jason R. Maier

MAIER GUTIERREZ & ASSOCIATES

8816 Spanish Ridge Avenue

Las Vegas, Nevada 89148

Tel: 702.629.7900 | Fax: 702.629.7925

jrm@mgalaw.com | www.mgalaw.com

From: John Blumberg <jblumberg@blumberglaw.com>

Sent: Friday, January 29, 2021 5:02 PM

To: Sami Randolph <srandolph@hmc.law>; Jason Maier <jrm@mgalaw.com>; Heather S. Hall <hshall@mcbridehall.com>; dclark@lipsonneilson.com; Robert McBride <rcmcbride@mcbridehall.com>; mckenna@kmslegal.com; kjar@kmslegal.com

Cc: Candace P. Cullina <ccullina@mcbridehall.com>; Natalie Vazquez <ndv@mgalaw.com>; Terry Rodriguez <trodriguez@hmc.law>

Subject: RE: [Order granting plaintiffs' motion to certify] Harper, et al. v. Copperpoint Mutual Insurance Holding Company, et al.

Ms. Randolph,

I am confirming the reasons why I agreed to accept many, but not all of your requested additions. The additions and one deletion you requested but I rejected are in bold, followed by my reason for the rejection.

“This action stems from an Arizona workers’ compensation case. . .”

Rejection Reason: The action does not stem from an Arizona Case. It stems from a settlement of a med mal case.

You struck the words, “their belief in” in the sentence, “Defendant Copperpoint General Insurance Company then sent a notice of claim status, informing Plaintiffs of their belief in the validity of the lien . . .”

Rejection Reason: Without the three words, it implies the lien was valid. This is contested and there is no question that it was CopperPoint’s belief.

“As a threshold matter, the Court considered whether Nevada law or Arizona law must control Copperpoint’s lien claim. The Court stated: “this court finds and concludes that when an industrial injury claim is brought in Arizona, by an Arizona resident, and is handled and processed according to Arizona laws and statutes, the Arizona law applies to the industrial injury claim.” Thusly, the Court determined, “Copperpoint’s claim is correctly based on Arizona law, as that is the law that applies to the industrial injury claim.” ”

Rejection Reason: It is incorrect that this was “a threshold matter.” Also, this is completely out of the context of the District Court’s findings. While it is correct that the court found, as a general matter that Arizona industrial injury claims in Arizona by Arizona residents are governed by Arizona law, it did not perform a conflicts of law analysis because it did not reach that issue, having found no conflict based on the determine that there was a lien under Nevada law.

I have agreed to all of your other requested changes and will incorporate them into the order I will submit to the court. I don’t understand why you are not willing to consider even one of my objections.

John P. Blumberg

Blumberg Law Corporation

444 W. Ocean Blvd., Suite 1500

Long Beach, CA 90802
(562) 437-0403
(562) 432-0107 (fax)

Board Certified Trial Lawyer
(National Board of Trial Advocacy)
Board Certified Medical Malpractice Specialist
(American Board of Professional Liability Attorneys)
Board Certified Legal Malpractice Specialist
(State Bar of California, Board of Legal Specialization)
(American Board of Professional Liability Attorneys)

From: Sami Randolph <srandolph@hmc.law>
Sent: Thursday, January 28, 2021 1:54 PM
To: Jason Maier <jrm@mgalaw.com>; Heather S. Hall <hshall@mcbridehall.com>; John Blumberg <jblumberg@blumberglaw.com>; dclark@lipsonneilson.com; Robert McBride <rcmcbride@mcbridehall.com>; mckenna@kmslegal.com; kjar@kmslegal.com
Cc: Candace P. Cullina <ccullina@mcbridehall.com>; Natalie Vazquez <ndv@mgalaw.com>; Terry Rodriguez <trodriguez@hmc.law>
Subject: RE: [Order granting plaintiffs' motion to certify] Harper, et al. v. Copperpoint Mutual Insurance Holding Company, et al.

We are agreeable to Ms. Hall's additions. However, permission is not granted to affix my electronic signature to the proposed order given Mr. Blumberg's objections to the inclusion of the language we proposed. In accord with the local rules we will submit an alternative proposed order seeking to include the language from Judge Wiese's ruling found at pg. 5.

From: Jason Maier <jrm@mgalaw.com>
Sent: Wednesday, January 27, 2021 8:25 AM
To: Heather S. Hall <hshall@mcbridehall.com>; John Blumberg <jblumberg@blumberglaw.com>; Terry Rodriguez <trodriguez@hmc.law>; dclark@lipsonneilson.com; Robert McBride <rcmcbride@mcbridehall.com>; mckenna@kmslegal.com; kjar@kmslegal.com
Cc: Sami Randolph <srandolph@hmc.law>; Candace P. Cullina <ccullina@mcbridehall.com>; Natalie Vazquez <ndv@mgalaw.com>
Subject: RE: [Order granting plaintiffs' motion to certify] Harper, et al. v. Copperpoint Mutual Insurance Holding Company, et al.
Importance: High

Sami/David – given the Nevada Supreme Court's order to show cause regarding this certification order, we need your response to John's 1/21 email this week. We will be submitting a proposed order to chambers by Friday afternoon one way or the other. Thanks.

Jason R. Maier
MAIER GUTIERREZ & ASSOCIATES
8816 Spanish Ridge Avenue
Las Vegas, Nevada 89148
Tel: 702.629.7900 | Fax: 702.629.7925
jrm@mgalaw.com | www.mgalaw.com

From: Natalie Vazquez <ndv@mgalaw.com>
Sent: Tuesday, January 26, 2021 11:04 AM

To: Heather S. Hall <hshall@mcbridehall.com>; John Blumberg <jblumberg@blumberglaw.com>; Terry Rodriguez <trodriguez@hmc.law>; dclark@lipsonneilson.com; Robert McBride <rcmcbride@mcbridehall.com>; mckenna@kmslegal.com; kjar@kmslegal.com
Cc: Sami Randolph <srandolph@hmc.law>; Jason Maier <jrm@mgalaw.com>; Candace P. Cullina <ccullina@mcbridehall.com>
Subject: RE: [Order granting plaintiffs' motion to certify] Harper, et al. v. Copperpoint Mutual Insurance Holding Company, et al.

Ms. Randolph/Mr. Clark,

We are agreeable to Ms. Hall's additions attached. Can you please redline any edits and/or advise if we have permission to affix your electronic signature?

Thank you,

Natalie D. Vazquez | Paralegal
MAIER GUTIERREZ & ASSOCIATES
8816 Spanish Ridge Avenue
Las Vegas, Nevada 89148
Tel: 702.629.7900 | Fax: 702.629.7925
ndv@mgalaw.com | www.mgalaw.com

From: Heather S. Hall <hshall@mcbridehall.com>
Sent: Monday, January 25, 2021 3:44 PM
To: Natalie Vazquez <ndv@mgalaw.com>; John Blumberg <jblumberg@blumberglaw.com>; Terry Rodriguez <trodriguez@hmc.law>; dclark@lipsonneilson.com; Robert McBride <rcmcbride@mcbridehall.com>; mckenna@kmslegal.com; kjar@kmslegal.com
Cc: Sami Randolph <srandolph@hmc.law>; Jason Maier <jrm@mgalaw.com>; Candace P. Cullina <ccullina@mcbridehall.com>
Subject: RE: [Order granting plaintiffs' motion to certify] Harper, et al. v. Copperpoint Mutual Insurance Holding Company, et al.

Hi Natalie,

My changes on behalf of Siberberg Defendants are noted on page 4:

Subsequently, Defendants Copperpoint and Thomas S. Alch each filed a Motion to Dismiss, or Alternatively, Motion for Summary Judgment. Defendants Law Offices of Marshall Silberberg, PC and Kenneth Marshall Silberberg filed a Joinder to Thomas S. Alch's Motion to Dismiss or Alternatively, Motion for Summary Judgment.

Heather S. Hall, Esq.
hshall@mcbridehall.com | www.mcbridehall.com
8329 West Sunset Road
Suite 260
Las Vegas, Nevada 89113
Telephone: (702) 792-5855
Facsimile: (702) 796-5855



MCBRIDE HALL
ATTORNEYS AT LAW

NOTICE: THIS MESSAGE IS CONFIDENTIAL, INTENDED FOR THE NAMED RECIPIENT(S) AND MAY CONTAIN INFORMATION THAT IS (I) PROPRIETARY TO THE SENDER, AND/OR, (II) PRIVILEGED, CONFIDENTIAL, AND/OR OTHERWISE EXEMPT FROM DISCLOSURE UNDER APPLICABLE STATE AND FEDERAL LAW, INCLUDING, BUT NOT LIMITED TO, PRIVACY STANDARDS IMPOSED PURSUANT TO THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 ("HIPAA"). IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY REPLY E-MAIL OR BY TELEPHONE AT (702) 792-5855, AND DESTROY THE ORIGINAL TRANSMISSION AND ITS ATTACHMENTS WITHOUT READING OR SAVING THEM TO DISK. THANK YOU.

From: Natalie Vazquez <ndv@mgalaw.com>
Sent: Monday, January 25, 2021 10:06 AM
To: John Blumberg <jblumberg@blumberglaw.com>; Terry Rodriguez <trodriquez@hmc.law>; dclark@lipsonneilson.com; Robert C. McBride <rcmcbride@mcbridehall.com>; Heather S. Hall <hshall@mcbridehall.com>; mckenna@kmslegal.com; kjar@kmslegal.com
Cc: Sami Randolph <srandolph@hmc.law>; Jason Maier <jrm@mgalaw.com>
Subject: RE: [Order granting plaintiffs' motion to certify] Harper, et al. v. Copperpoint Mutual Insurance Holding Company, et al.

Mr. McBride/Mr. Clark/Ms. Randolph,

I am following up to Mr. Blumberg's email below, please redline any edits and/or advise if we have permission to affix your electronic signature.

Thank you,

Natalie D. Vazquez | Paralegal
MAIER GUTIERREZ & ASSOCIATES
8816 Spanish Ridge Avenue
Las Vegas, Nevada 89148
Tel: 702.629.7900 | Fax: 702.629.7925
ndv@mgalaw.com | www.mgalaw.com

From: John Blumberg <jblumberg@blumberglaw.com>
Sent: Thursday, January 21, 2021 9:59 PM
To: Terry Rodriguez <trodriquez@hmc.law>; dclark@lipsonneilson.com; rcmcbride@mcbridehall.com; hshall@mcbridehall.com; mckenna@kmslegal.com; kjar@kmslegal.com
Cc: Sami Randolph <srandolph@hmc.law>; Natalie Vazquez <ndv@mgalaw.com>; Jason Maier <jrm@mgalaw.com>
Subject: RE: [Order granting plaintiffs' motion to certify] Harper, et al. v. Copperpoint Mutual Insurance Holding Company, et al.

Dear Counsel,

Attached is CP's redlined additions and deletions to the proposed Order granting plaintiff's motion to certify. I do not agree with those sections that I have highlighted, for the reasons stated in the "comments." I have no objection to the unhighlighted modifications. With regard to the modifications submitted by Silberberg's counsel, I have no objections. Please let me know if we can agree to submit your redlined version (with Silberberg's additions), minus the highlighted sections to which I do not agree.

John P. Blumberg

Blumberg Law Corporation
444 W. Ocean Blvd., Suite 1500
Long Beach, CA 90802
(562) 437-0403
(562) 432-0107 (fax)

Board Certified Trial Lawyer
(National Board of Trial Advocacy)
Board Certified Medical Malpractice Specialist
(American Board of Professional Liability Attorneys)
Board Certified Legal Malpractice Specialist
(State Bar of California, Board of Legal Specialization)
(American Board of Professional Liability Attorneys)

From: Terry Rodriguez <trodriguez@hmc.law>
Sent: Wednesday, January 6, 2021 7:40 AM
To: Natalie Vazquez <ndv@mgalaw.com>; dclark@lipsonneilson.com; rcmcbride@mcbridehall.com; hshall@mcbridehall.com; mckenna@kmslegal.com; kjar@kmslegal.com; John Blumberg <jblumberg@blumberglaw.com>
Cc: Sami Randolph <srandolph@hmc.law>
Subject: RE: [Order granting plaintiffs' motion to certify] Harper, et al. v. Copperpoint Mutual Insurance Holding Company, et al.

Good Morning All:

Attached please find counsel for Copperpoint's proposed changes to the Order Granting Plaintiff's Motion to Certify. Edits are red-lined.

Thank you,

Terry Rodriguez, Legal Secretary
Hooks Meng & Clement, PLLC.
2820 W. Charleston Blvd., Ste. C-23
Las Vegas, NV 89102
Cell (702) 303-2453
Ph. (702) 766-4672
Fax (702) 919-4672
trodriguez@hmc.law
www.HMC.LAW

From: Sami Randolph <srandolph@hmc.law>
Sent: Monday, January 4, 2021 10:41 AM
To: Terry Rodriguez <trodriguez@hmc.law>
Subject: FW: [Order granting plaintiffs' motion to certify] Harper, et al. v. Copperpoint Mutual Insurance Holding Company, et al.

From: Natalie Vazquez <ndv@mgalaw.com>
Sent: Monday, January 4, 2021 10:05 AM
To: David Clark <DClark@lipsonneilson.com>; Sami Randolph <srandolph@hmc.law>; dalton@hmc.law;

rcmcbride@mcbridehall.com; Heather S. Hall <hshall@mcbridehall.com>; rmckenna@kmslegal.com; James Kjar <kjar@kmslegal.com>; Jon Schwalbach <jschwalbach@kmslegal.com>

Cc: Jason Maier <jrm@mgalaw.com>; John Blumberg <jblumberg@blumberglaw.com>

Subject: [Order granting plaintiffs' motion to certify] Harper, et al. v. Copperpoint Mutual Insurance Holding Company, et al.

Counsel,

Please see the attached proposed order regarding the above-referenced matter, please redline any edits and/or advise if we have permission to affix your electronic signature.

Thank you,

Natalie D. Vazquez | Paralegal

MAIER GUTIERREZ & ASSOCIATES

8816 Spanish Ridge Avenue

Las Vegas, Nevada 89148

Tel: 702.629.7900 | Fax: 702.629.7925

ndv@mgalaw.com | www.mgalaw.com

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

Natalie Vazquez

From: David Clark <DClark@lipsonneilson.com>
Sent: Monday, February 01, 2021 2:31 PM
To: Natalie Vazquez
Subject: FW: [Order granting plaintiffs' motion to certify] Harper, et al. v. Copperpoint Mutual Insurance Holding Company, et al.
Attachments: ORDR.modified.final.docx
Importance: High

Assuming the attached is the latest iteration, you have my authorization to affix my signature to the attached proposed order.

David A. Clark

Lipson|Neilson

9900 Covington Cross Drive

Suite 120

Las Vegas, Nevada 89144-7052

(702) 382-1500

(702) 382-1512 (fax)

E-Mail: dclark@lipsonneilson.com

Website: www.lipsonneilson.com

OFFICES IN NEVADA, MICHIGAN, and ARIZONA

CONFIDENTIALITY NOTICE

This message is confidential, intended only for the named recipient(s) and may contain information that is privileged, attorney work product or exempt from disclosure under applicable law. If you are not the intended recipient(s), you are notified that any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on the contents of this information is prohibited and may be unlawful. If you receive this message in error, or are not the named recipient(s), please notify the sender, delete this e-mail from your computer, and destroy any copies in any form immediately. Receipt by anyone other than the named recipient(s) is not a waiver of any attorney-client, work product, or other applicable privilege.

From: Jason Maier <jrm@mgalaw.com>
Sent: Monday, February 1, 2021 1:07 PM
To: David Clark <DClark@lipsonneilson.com>; Heather S. Hall <hshall@mcbridehall.com>; Robert McBride <rcmcbride@mcbridehall.com>
Cc: Natalie Vazquez <ndv@mgalaw.com>; John Blumberg <jblumberg@blumberglaw.com>
Subject: FW: [Order granting plaintiffs' motion to certify] Harper, et al. v. Copperpoint Mutual Insurance Holding Company, et al.
Importance: High

David/Robert/Heather: In light of Sami's impasse email, will you please provide us with authority to affix e-signatures so we can get the version we all agreed upon submitted to chambers today? It is imperative that we get this order submitted asap given the NVSC's order to show cause. We will also be sending a cover letter to chambers outlining the disagreements. Thanks.

Jason R. Maier

MAIER GUTIERREZ & ASSOCIATES

8816 Spanish Ridge Avenue

Las Vegas, Nevada 89148

Tel: 702.629.7900 | Fax: 702.629.7925

jrm@mgalaw.com | www.mgalaw.com

From: Sami Randolph <srandolph@hmc.law>

Sent: Monday, February 01, 2021 10:39 AM

To: Jason Maier <jrm@mgalaw.com>; Heather S. Hall <hshall@mcbridehall.com>; dclark@lipsonneilson.com; Robert McBride <rcmcbride@mcbridehall.com>; mckenna@kmslegal.com; kjar@kmslegal.com; Candace P. Cullina <ccullina@mcbridehall.com>; Terry Rodriguez <trodriquez@hmc.law>

Cc: Natalie Vazquez <ndv@mgalaw.com>; John Blumberg <jblumberg@blumberglaw.com>

Subject: RE: [Order granting plaintiffs' motion to certify] Harper, et al. v. Copperpoint Mutual Insurance Holding Company, et al.

In relation to the objections. We do not intend to continue to argue the basis for the objections. My last email request was the Order be revised to include a direct quote the from the Order of Judge Wiese. The transitional language can be removed. As such, something to the effect of,

The Court stated: “this court finds and concludes that when an industrial injury claim is brought in Arizona, by an Arizona resident, and is handled and processed according to Arizona laws and statutes, the Arizona law applies to the industrial injury claim.” The Court further stated “Copperpoint’s claim is correctly based on Arizona law, as that is the law that applies to the industrial injury claim.”

From: Jason Maier <jrm@mgalaw.com>

Sent: Saturday, January 30, 2021 9:57 AM

To: Sami Randolph <srandolph@hmc.law>; Heather S. Hall <hshall@mcbridehall.com>; dclark@lipsonneilson.com; Robert McBride <rcmcbride@mcbridehall.com>; mckenna@kmslegal.com; kjar@kmslegal.com; Candace P. Cullina <ccullina@mcbridehall.com>; Terry Rodriguez <trodriquez@hmc.law>

Cc: Natalie Vazquez <ndv@mgalaw.com>; John Blumberg <jblumberg@blumberglaw.com>

Subject: RE: [Order granting plaintiffs' motion to certify] Harper, et al. v. Copperpoint Mutual Insurance Holding Company, et al.

Importance: High

David/Robert/Heather: Attached is a final modified order per the emails below. Please provide us your permission to affix e-signatures so we can submit to chambers on Monday. Thank you.

Jason R. Maier

MAIER GUTIERREZ & ASSOCIATES

8816 Spanish Ridge Avenue

Las Vegas, Nevada 89148

From: John Blumberg <jblumberg@blumberglaw.com>
Sent: Friday, January 29, 2021 5:02 PM
To: Sami Randolph <srandolph@hmc.law>; Jason Maier <jrm@mgalaw.com>; Heather S. Hall <hshall@mcbridehall.com>; dclark@lipsonneilson.com; Robert McBride <rcmcbride@mcbridehall.com>; mckenna@kmslegal.com; kjar@kmslegal.com
Cc: Candace P. Cullina <ccullina@mcbridehall.com>; Natalie Vazquez <ndv@mgalaw.com>; Terry Rodriguez <trodriguez@hmc.law>
Subject: RE: [Order granting plaintiffs' motion to certify] Harper, et al. v. Copperpoint Mutual Insurance Holding Company, et al.

Ms. Randolph,

I am confirming the reasons why I agreed to accept many, but not all of your requested additions. The additions and one deletion you requested but I rejected are in bold, followed by my reason for the rejection.

“This action stems from an Arizona workers’ compensation case. . .”

Rejection Reason: The action does not stem from an Arizona Case. It stems from a settlement of a med mal case.

You struck the words, “their belief in” in the sentence, “Defendant Copperpoint General Insurance Company then sent a notice of claim status, informing Plaintiffs of their belief in the validity of the lien . . .”

Rejection Reason: Without the three words, it implies the lien was valid. This is contested and there is no question that it was CopperPoint’s belief.

“As a threshold matter, the Court considered whether Nevada law or Arizona law must control Copperpoint’s lien claim. The Court stated: “this court finds and concludes that when an industrial injury claim is brought in Arizona, by an Arizona resident, and is handled and processed according to Arizona laws and statutes, the Arizona law applies to the industrial injury claim.” Thusly, the Court determined, “Copperpoint’s claim is correctly based on Arizona law, as that is the law that applies to the industrial injury claim.” ”

Rejection Reason: It is incorrect that this was “a threshold matter.” Also, this is completely out of the context of the District Court’s findings. While it is correct that the court found, as a general matter that Arizona industrial injury claims in Arizona by Arizona residents are governed by Arizona law, it did not perform a conflicts of law analysis because it did not reach that issue, having found no conflict based on the determine that there was a lien under Nevada law.

I have agreed to all of your other requested changes and will incorporate them into the order I will submit to the court. I don’t understand why you are not willing to consider even one of my objections.

John P. Blumberg

Blumberg Law Corporation
444 W. Ocean Blvd., Suite 1500
Long Beach, CA 90802
(562) 437-0403
(562) 432-0107 (fax)

Board Certified Trial Lawyer
(National Board of Trial Advocacy)
Board Certified Medical Malpractice Specialist
(American Board of Professional Liability Attorneys)
Board Certified Legal Malpractice Specialist
(State Bar of California, Board of Legal Specialization)
(American Board of Professional Liability Attorneys)

From: Sami Randolph <srandolph@hmc.law>

Sent: Thursday, January 28, 2021 1:54 PM

To: Jason Maier <jrm@mgalaw.com>; Heather S. Hall <hshall@mcbridehall.com>; John Blumberg <jblumberg@blumberglaw.com>; dclark@lipsonneilson.com; Robert McBride <rcmcbride@mcbridehall.com>; mckenna@kmslegal.com; kjar@kmslegal.com

Cc: Candace P. Cullina <ccullina@mcbridehall.com>; Natalie Vazquez <ndv@mgalaw.com>; Terry Rodriguez <trodriguez@hmc.law>

Subject: RE: [Order granting plaintiffs' motion to certify] Harper, et al. v. Copperpoint Mutual Insurance Holding Company, et al.

We are agreeable to Ms. Hall's additions. However, permission is not granted to affix my electronic signature to the proposed order given Mr. Blumberg's objections to the inclusion of the language we proposed. In accord with the local rules we will submit an alternative proposed order seeking to include the language from Judge Wiese's ruling found at pg. 5.

From: Jason Maier <jrm@mgalaw.com>

Sent: Wednesday, January 27, 2021 8:25 AM

To: Heather S. Hall <hshall@mcbridehall.com>; John Blumberg <jblumberg@blumberglaw.com>; Terry Rodriguez <trodriguez@hmc.law>; dclark@lipsonneilson.com; Robert McBride <rcmcbride@mcbridehall.com>; mckenna@kmslegal.com; kjar@kmslegal.com

Cc: Sami Randolph <srandolph@hmc.law>; Candace P. Cullina <ccullina@mcbridehall.com>; Natalie Vazquez <ndv@mgalaw.com>

Subject: RE: [Order granting plaintiffs' motion to certify] Harper, et al. v. Copperpoint Mutual Insurance Holding Company, et al.

Importance: High

Sami/David – given the Nevada Supreme Court's order to show cause regarding this certification order, we need your response to John's 1/21 email this week. We will be submitting a proposed order to chambers by Friday afternoon one way or the other. Thanks.

Jason R. Maier

MAIER GUTIERREZ & ASSOCIATES

8816 Spanish Ridge Avenue

Las Vegas, Nevada 89148

Tel: 702.629.7900 | Fax: 702.629.7925

jrm@mgalaw.com | www.mgalaw.com

From: Natalie Vazquez <ndv@mgalaw.com>
Sent: Tuesday, January 26, 2021 11:04 AM
To: Heather S. Hall <hshall@mcbriehall.com>; John Blumberg <jblumberg@blumberglaw.com>; Terry Rodriguez <trodriguez@hmc.law>; dclark@lipsonneilson.com; Robert McBride <rcmcbride@mcbriehall.com>; mckenna@kmslegal.com; kjar@kmslegal.com
Cc: Sami Randolph <srandolph@hmc.law>; Jason Maier <jrm@mgalaw.com>; Candace P. Cullina <ccullina@mcbriehall.com>
Subject: RE: [Order granting plaintiffs' motion to certify] Harper, et al. v. Copperpoint Mutual Insurance Holding Company, et al.

Ms. Randolph/Mr. Clark,

We are agreeable to Ms. Hall's additions attached. Can you please redline any edits and/or advise if we have permission to affix your electronic signature?

Thank you,

Natalie D. Vazquez | Paralegal
MAIER GUTIERREZ & ASSOCIATES
8816 Spanish Ridge Avenue
Las Vegas, Nevada 89148
Tel: 702.629.7900 | Fax: 702.629.7925
ndv@mgalaw.com | www.mgalaw.com

From: Heather S. Hall <hshall@mcbriehall.com>
Sent: Monday, January 25, 2021 3:44 PM
To: Natalie Vazquez <ndv@mgalaw.com>; John Blumberg <jblumberg@blumberglaw.com>; Terry Rodriguez <trodriguez@hmc.law>; dclark@lipsonneilson.com; Robert McBride <rcmcbride@mcbriehall.com>; mckenna@kmslegal.com; kjar@kmslegal.com
Cc: Sami Randolph <srandolph@hmc.law>; Jason Maier <jrm@mgalaw.com>; Candace P. Cullina <ccullina@mcbriehall.com>
Subject: RE: [Order granting plaintiffs' motion to certify] Harper, et al. v. Copperpoint Mutual Insurance Holding Company, et al.

Hi Natalie,

My changes on behalf of Siberberg Defendants are noted on page 4:

Subsequently, Defendants Copperpoint and Thomas S. Alch each filed a Motion to Dismiss, or Alternatively, Motion for Summary Judgment. Defendants Law Offices of Marshall Silberberg, PC and Kenneth Marshall Silberberg filed a Joinder to Thomas S. Alch's Motion to Dismiss or Alternatively, Motion for Summary Judgment.

Heather S. Hall, Esq.
hshall@mcbriehall.com | www.mcbriehall.com
8329 West Sunset Road
Suite 260
Las Vegas, Nevada 89113
Telephone: (702) 792-5855
Facsimile: (702) 796-5855



MCBRIDE HALL

ATTORNEYS AT LAW

NOTICE: THIS MESSAGE IS CONFIDENTIAL, INTENDED FOR THE NAMED RECIPIENT(S) AND MAY CONTAIN INFORMATION THAT IS (I) PROPRIETARY TO THE SENDER, AND/OR, (II) PRIVILEGED, CONFIDENTIAL, AND/OR OTHERWISE EXEMPT FROM DISCLOSURE UNDER APPLICABLE STATE AND FEDERAL LAW, INCLUDING, BUT NOT LIMITED TO, PRIVACY STANDARDS IMPOSED PURSUANT TO THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 ("HIPAA"). IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY REPLY E-MAIL OR BY TELEPHONE AT (702) 792-5855, AND DESTROY THE ORIGINAL TRANSMISSION AND ITS ATTACHMENTS WITHOUT READING OR SAVING THEM TO DISK. THANK YOU.

From: Natalie Vazquez <ndv@mgalaw.com>

Sent: Monday, January 25, 2021 10:06 AM

To: John Blumberg <jblumberg@blumberglaw.com>; Terry Rodriguez <trodriguez@hmc.law>; dclark@lipsonneilson.com; Robert C. McBride <rcmcbride@mcbridehall.com>; Heather S. Hall <hshall@mcbridehall.com>; mckenna@kmslegal.com; kjar@kmslegal.com

Cc: Sami Randolph <srandolph@hmc.law>; Jason Maier <jrm@mgalaw.com>

Subject: RE: [Order granting plaintiffs' motion to certify] Harper, et al. v. Copperpoint Mutual Insurance Holding Company, et al.

Mr. McBride/Mr. Clark/Ms. Randolph,

I am following up to Mr. Blumberg's email below, please redline any edits and/or advise if we have permission to affix your electronic signature.

Thank you,

Natalie D. Vazquez | Paralegal
MAIER GUTIERREZ & ASSOCIATES

8816 Spanish Ridge Avenue

Las Vegas, Nevada 89148

Tel: 702.629.7900 | Fax: 702.629.7925

ndv@mgalaw.com | www.mgalaw.com

From: John Blumberg <jblumberg@blumberglaw.com>

Sent: Thursday, January 21, 2021 9:59 PM

To: Terry Rodriguez <trodriguez@hmc.law>; dclark@lipsonneilson.com; rcmcbride@mcbridehall.com; hshall@mcbridehall.com; mckenna@kmslegal.com; kjar@kmslegal.com

Cc: Sami Randolph <srandolph@hmc.law>; Natalie Vazquez <ndv@mgalaw.com>; Jason Maier <jrm@mgalaw.com>

Subject: RE: [Order granting plaintiffs' motion to certify] Harper, et al. v. Copperpoint Mutual Insurance Holding Company, et al.

Dear Counsel,

Attached is CP's redlined additions and deletions to the proposed Order granting plaintiff's motion to certify. I do not agree with those sections that I have highlighted, for the reasons stated in the "comments." I have no objection to the unhighlighted modifications. With regard to the modifications submitted by Silberberg's counsel, I have

no objections. Please let me know if we can agree to submit your redlined version (with Silberberg's additions), minus the highlighted sections to which I do not agree.

John P. Blumberg

Blumberg Law Corporation
444 W. Ocean Blvd., Suite 1500
Long Beach, CA 90802
(562) 437-0403
(562) 432-0107 (fax)

Board Certified Trial Lawyer
(National Board of Trial Advocacy)
Board Certified Medical Malpractice Specialist
(American Board of Professional Liability Attorneys)
Board Certified Legal Malpractice Specialist
(State Bar of California, Board of Legal Specialization)
(American Board of Professional Liability Attorneys)

From: Terry Rodriguez <trodriguez@hmc.law>
Sent: Wednesday, January 6, 2021 7:40 AM
To: Natalie Vazquez <ndv@mgalaw.com>; dclark@lipsonneilson.com; rcmcbride@mcbridehall.com; hshall@mcbridehall.com; mckenna@kmslegal.com; kjar@kmslegal.com; John Blumberg <jblumberg@blumberglaw.com>
Cc: Sami Randolph <srandolph@hmc.law>
Subject: RE: [Order granting plaintiffs' motion to certify] Harper, et al. v. Copperpoint Mutual Insurance Holding Company, et al.

Good Morning All:

Attached please find counsel for Copperpoint's proposed changes to the Order Granting Plaintiff's Motion to Certify. Edits are red-lined.

Thank you,

Terry Rodriguez, Legal Secretary
Hooks Meng & Clement, PLLC.
2820 W. Charleston Blvd., Ste. C-23
Las Vegas, NV 89102
Cell (702) 303-2453
Ph. (702) 766-4672
Fax (702) 919-4672
trodriguez@hmc.law
www.HMC.LAW

From: Sami Randolph <srandolph@hmc.law>
Sent: Monday, January 4, 2021 10:41 AM
To: Terry Rodriguez <trodriguez@hmc.law>
Subject: FW: [Order granting plaintiffs' motion to certify] Harper, et al. v. Copperpoint Mutual Insurance Holding Company, et al.

From: Natalie Vazquez <ndv@mgalaw.com>
Sent: Monday, January 4, 2021 10:05 AM
To: David Clark <DClark@lipsonneilson.com>; Sami Randolph <srandolph@hmc.law>; dalton@hmc.law; rcmcbride@mcbriدهall.com; Heather S. Hall <hshall@mcbriدهall.com>; rmckenna@kmslegal.com; James Kjar <kjar@kmslegal.com>; Jon Schwalbach <jschwalbach@kmslegal.com>
Cc: Jason Maier <jrm@mgalaw.com>; John Blumberg <jblumberg@blumberglaw.com>
Subject: [Order granting plaintiffs' motion to certify] Harper, et al. v. Copperpoint Mutual Insurance Holding Company, et al.

Counsel,

Please see the attached proposed order regarding the above-referenced matter, please redline any edits and/or advise if we have permission to affix your electronic signature.

Thank you,

Natalie D. Vazquez | Paralegal
MAIER GUTIERREZ & ASSOCIATES
8816 Spanish Ridge Avenue
Las Vegas, Nevada 89148
Tel: 702.629.7900 | Fax: 702.629.7925
ndv@mgalaw.com | www.mgalaw.com

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Daria Harper, Plaintiff(s)

CASE NO: A-20-814541-C

7 vs.

DEPT. NO. Department 30

8 Copperpoint Mutual Insurance
9 Holding Company, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 2/6/2021

15 Kellie Piet

kpiet@mcbridehall.com

16 Heather Hall

hshall@mcbridehall.com

17 David Clark

dclark@lipsonneilson.com

18 MGA Docketing

docket@mgalaw.com

19 Kimberly Glad

kglad@lipsonneilson.com

20 Susana Nutt

snutt@lipsonneilson.com

21 Debra Marquez

dmarquez@lipsonneilson.com

22 Robert McBride

rcmcbride@mcbridehall.com

23 Michelle Newquist

mnewquist@mcbridehall.com

24 Terry Rodriguez

trodriguez@hmc.law

25 Candace Cullina

ccullina@mcbridehall.com

26
27
28

1	Tiffane Safar	tsafar@mcbridehall.com
2	sami Randolph	srandolph@hmc.law
3	John Blumberg	advocates@blumberglaw.com
4	Dalton Hooks, Jr.	dalton@hmc.law
5	Dalton Hooks, Jr.	dalton@hmc.law
6	Alan Schiffman	alan@schiffmanlaw.com
7	Terry Rodriguez	trodriguez@hmc.law
8	Kenneth Silberberg	ms@silberberglaw.com
9	Kenneth Silberberg	ms@silberberglaw.com
10	Thomas Alch	thomas.alch@shooplaw.com
11	James Kjar	kjar@kmslegal.com
12	Jon Schwalbach	jschwalbach@kmslegal.com
13	James Kjar	kjar@kmslegal.com
14	Jon Schwalbach	jschwalbach@kmslegal.com
15	Jessica O'Neill	joneill@kmslegal.com
16	Robert McKenna, III	rmckenna@kmslegal.com
17	Penny Williams	pwilliams@mcbridehall.com
18	Melissa Grass	mgrass@copperpoint.com
19	Kelly Lasorsa	klasorsa@blumberglaw.com
20	William Brenske	bak@baklawlv.com
21	Shawnee Allen	sallen@kmslegal.com
22	JJ Kashnow	jkashnow@mcbridehall.com
23	Timothy Evans	tevans@mcbridehall.com
24		
25		
26		
27		
28		

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	