

Electronically Filed
Feb 11 2021 10:03 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

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*Attorneys for Creditors and Interested Parties
Unite Here Health and Nevada Health Solutions,
LLC*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

STATE OF NEVADA, EX REL.
COMMISSIONER OF INSURANCE,
BARBARA D. RICHARDSON, IN HER
OFFICIAL CAPACITY AS STATUTORY
RECEIVER FOR DELINQUENT
DOMESTIC INSURER,

Case No. A-15-725244-C
Dept. No. XXI

(Reassigned from Department I)

NOTICE OF APPEAL

Plaintiff,

v.

NEVADA HEALTH CO-OP,

Defendant.

Notice is hereby given that Creditors and Interested Parties Unite Here Health and Nevada Health Solutions, LLC appeal to the Supreme Court of Nevada from the Order Denying Motion to Disqualify Greenberg Traurig, LLP and to Disgorge Attorneys' Fees ("Order") pursuant to NRS

///

///

///

1 696B.190(5). The Order and Notice of Entry of the Order were both filed on January 15, 2021. A
2 copy of the Notice of Entry of Order is attached as Exhibit A.

3
4 DATED this 8th day of February, 2021.

BAILEY ❖ KENNEDY

5
6 By: /s/ Dennis L. Kennedy

7 JOHN R. BAILEY
8 DENNIS L. KENNEDY
9 JOSEPH A. LIEBMAN

10 *Attorneys for Creditors and Interested*
11 *Parties Unite Here Health*
12 *and Nevada Health Solutions, LLC*
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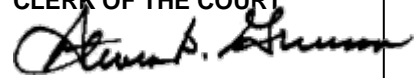
CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY ❖ KENNEDY and that on the 8th day of February, 2021, service of the foregoing **NOTICE OF APPEAL** was made by mandatory electronic service through the Eighth Judicial District Court's electronic filing system on all parties with an email address on record in this case.

/s/ Angelique Mattox
Employee of BAILEY ❖ KENNEDY

EXHIBIT A

EXHIBIT A



1 **NEOJ**

2 MARK E. FERRARIO, ESQ.

3 Nevada Bar No. 001625

4 DONALD L. PRUNTY, ESQ.

5 Nevada Bar No. 008230

6 TAMI D. COWDEN, ESQ.

7 Nevada Bar No. 008994

8 GREENBERG TRAUIG, LLP

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10 Las Vegas, Nevada 89135

11 Telephone: (702) 792-3773

12 Facsimile: (702) 792-9002

13 Email: ferrariom@gtlaw.com

14 pruntyd@gtlaw.com

15 cowdent@gtlaw.com

16 *Counsel for Plaintiff*

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EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA, EX REL.
COMMISSIONER OF INSURANCE,
BARBARA D. RICHARDSON, IN HER
OFFICIAL CAPACITY AS RECEIVER
FOR NEVADA HEALTH CO-OP,

Plaintiff,

v.

NEVADA HEALTH CO-OP,

Defendant.

CASE NO. A-15-725244-C
DEPARTMENT I

NOTICE OF ENTRY

[ORDER DENYING MOTION TO DISQUALIFY GREENBERG TRAUIG, LLP AND
TO DISGORGE ATTORNEYS' FEES]

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NOTICE OF ENTRY

[ORDER DENYING MOTION TO DISQUALIFY GREENBERG TRAURIG, LLP AND
TO DISGORGE ATTORNEYS' FEES]

YOU AND EACH OF YOU, will please take notice that the **ORDER DENYING
MOTION TO DISQUALIFY GREENBERG TRAURIG, LLP AND DISGORGE
ATTORNEYS' FEES** was entered on the 15TH day of January 2021. A copy of said Order
is attached hereto as **Exhibit A**.

DATED this 15th day of January 2021.

GREENBERG TRAURIG, LLP

/s/ Donald L. Prunty

MARK E. FERRARIO, ESQ.

Nevada Bar No. 001625

DONALD L. PRUNTY, ESQ.

Nevada Bar No. 008230

TAMI D. COWDEN, ESQ.

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

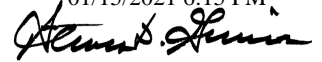
I HEREBY CERTIFY that, on the 15th day of January 2021, and pursuant to NEFCR 9, NRCR 5(b), and EDCR 7.26, a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER DENYING MOTION TO DISQUALIFY GREENBERG TRAURIG, LLP AND DISGORGE ATTORNEYS' FEES** was filed with the Clerk of the Court using the Odyssey eFileNV Electronic Service system and served on all parties with an email-address on record, pursuant to Administrative Order 14-2 and Rule 9 of the N.E.F.C.R.

The date and time of the electronic proof of service is in place of the date and place of deposit in the United States mail.

/s/ Evelyn Escobar-Gaddi
An employee of GREENBERG TRAURIG, LLP

EXHIBIT A

Order Denying Motion to Disqualify Greenberg
Traurig, LLP and to Disgorge Attorneys' Fees


CLERK OF THE COURT

ODM

MARK E. FERRARIO, ESQ.

Nevada Bar No. 001625

ERIC W. SWANIS, ESQ.

Nevada Bar No. 006840

DONALD L. PRUNTY, ESQ.

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*Counsel for Plaintiff Barbara D. Richardson, Commissioner of
Insurance, as the Permanent Receiver for Nevada Health CO-OP*

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA, EX REL.
COMMISSIONER OF INSURANCE, IN HER
OFFICIAL CAPACITY AS STATUTORY
RECEIVER FOR DELINQUENT DOMESTIC
INSURER,

Plaintiff,

v.

NEVADA HEALTH CO-OP,

Defendant.

CASE NO. A-15-725244-C
DEPARTMENT XXI

**ORDER DENYING MOTION TO
DISQUALIFY GREENBERG
TRAURIG, LLP AND TO DISGORGE
ATTORNEYS' FEES**

HEARING DATE: DECEMBER 15, 2020
HEARING TIME: 9:00 A.M.

Unite Here Health and Nevada Health Solutions, LLC's ("UHH") Motion to:
(1) Disqualify Greenberg Traurig, LLP as Counsel for the Statutory Receiver of the Nevada
Health CO-OP; and (2) Disgorge Attorneys' Fees Paid by Nevada Health CO-OP to
///

Greenberg Traurig, LLP (the “Motion to Disqualify”) came before the Court on December 15, 2020.

APPEARANCES

The Parties appeared as follows:

- For UHH (the “Movants”): Dennis L. Kennedy, John R. Bailey, and Joseph A. Liebman of Bailey❖Kennedy, LLP.
- For Barbara D. Richardson as the Statutory Receiver (the “Receiver”) for Nevada Health CO-OP (the “CO-OP”): Mark E. Ferrario and Donald L. Prunty of Greenberg Traurig, LLP. Mark Bennett of Cantilo & Bennett (the Special Deputy Receiver) was also present.
- For Greenberg Traurig, LLP (“GT”): David Jimenez-Ekman of Jenner & Block, admitted *pro hac vice*. GT’s Assistant General Counsel Jim Tolpin was also present.

ORDER

The Court, having heard oral argument, having reviewed the papers, exhibits, and pleadings on file, and having fully considered the same, DENIES the Motion to Disqualify. The Movants have not been able to point to any binding authority that mandates the Receiver and her counsel, Greenberg Traurig, disclose all possible conflicts to the Court. Because there is no explicit rule requiring disclosure, the Court cannot disqualify Greenberg Traurig on that basis.

The Court also cannot find a clear and substantial enough possible conflict to justify disqualifying Greenberg Traurig as counsel in this Receivership matter. At this point, there are no related matters where the CO-OP is adverse to Xerox. If the Movants truly and reasonably believe that Xerox has some liability in those other related matters, the Movants are free to attempt to bring in Xerox as a third-party defendant and seek whatever relief they

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1 believe they are entitled to with the Judges overseeing those matters. This Court is not in the
2 best position to determine whether there are conflicts in other suits.

3 **IT IS SO ORDERED.**

4 Dated this 15th day of January, 2021

5 

6
7 C3A 821 DC49 841C
8 Tara Clark Newberry
9 District Court Judge

9 Respectfully submitted by:
10 GREENBERG TRAURIG, LLP

11 */s/ Donald L. Prunty*

12 MARK E. FERRARIO, ESQ.
13 ERIC W. SWANIS, ESQ.
14 DONALD L. PRUNTY, ESQ.
15 10845 Griffith Peak Drive
16 Suite 600
17 Las Vegas, Nevada 89135
18 *Counsel for Plaintiff*

17 **APPROVED as to form and content:**

18 BAILEY ♦ KENNEDY

19 */s/ John Bailey*

20 JOHN BAILEY, ESQ.
21 JOSEPH A. LIEBMAN, ESQ.
22 8984 Spanish Ridge Avenue
23 Las Vegas, Nevada 89148-1302
24 *Counsel for Defendants, Unite Here Health*
25 *and Nevada Health Solutions, LLC*

From: [John Bailey](#)
To: [Prunty, Donald L. \(Shld-LV-LT\)](#)
Cc: [Cowden, Tami D. \(OfCnsl-LV-LT\)](#); [Escobar-Gaddi, Evy \(Secy-LV-LT\)](#)
Subject: RE: Proposed Order Denying Motion to Disqualify
Date: Monday, January 11, 2021 11:23:32 AM
Attachments: [image001.png](#)
[20210111 ODM Order Denying Motion to Disqualify.pdf](#)

EXTERNAL TO GT

Don:

You are authorized to affix my signature to draft Order attached.

I don't believe the signature block for the Judge is consistent with the applicable Administrative Order (see AO 20-24). Please check.

Thanks. JRB

John R. Bailey
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This e-mail message is a confidential communication from Bailey Kennedy, LLP and is intended only for the named recipient(s) above and may contain information that is a trade secret, proprietary, privileged or attorney work product. If you have received this message in error, or are not the named or intended recipient(s), please immediately notify the sender at 702-562-8820 and delete this e-mail message and any attachments from your workstation or network mail system.

From: PruntyD@gtlaw.com [mailto:PruntyD@gtlaw.com]
Sent: Monday, January 11, 2021 11:05 AM
To: John Bailey <JBailey@baileykennedy.com>
Cc: cwudent@gtlaw.com; escobargaddie@gtlaw.com
Subject: FW: Proposed Order Denying Motion to Disqualify

John

Although we completely disagree with your objections, we have redrafted the proposed order denying the motion to disqualify GT and disgorge attorneys' fees, using the original language of the minute order. If this new proposed order meets with your approval, please confirm that we may electronically sign your name to the proposed order where indicated.

Best,

Donald Prunty

Shareholder

Greenberg Traurig, LLP

10845 Griffith Peak Drive | Suite 600 | Las Vegas, NV 89135

T +1 702.938.6890

PruntyD@gtlaw.com | www.gtlaw.com | [View GT Biography](#)



If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 State of Nevada, ex rel
7 Commissioner of Insurance,
8 Plaintiff(s)

CASE NO: A-15-725244-C

DEPT. NO. Department 21

9 vs.

10 Nevada Health CO-OP,
11 Defendant(s)

12 **AUTOMATED CERTIFICATE OF SERVICE**

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

16 Service Date: 1/15/2021

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21 Arati Bhattacharya . abhattacharya@cb-firm.com

22 Barry Sullivan . bsullivan@sacfirm.com

23 Bryce C. Loveland . bcloveland@bhfs.com

24 Ebony Davis . edavis@bhfs.com

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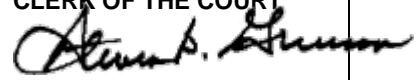
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Nevada Bar No. 0137

DENNIS L. KENNEDY

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JOSEPH A. LIEBMAN

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*Attorneys for Creditors and Interested Parties
Unite Here Health and Nevada Health Solutions,
LLC*

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA, EX REL.
COMMISSIONER OF INSURANCE,
BARBARA D. RICHARDSON, IN HER
OFFICIAL CAPACITY AS STATUTORY
RECEIVER FOR DELINQUENT
DOMESTIC INSURER,

Plaintiff,

v.

NEVADA HEALTH CO-OP,

Defendant.

Case No. A-15-725244-C

Dept. No. XXI

(Reassigned from Department I)

CASE APPEAL STATEMENT

1. Name of Appellant Filing This Case Appeal Statement.

Creditors and Interested Parties Unite Here Health; and Nevada Health Solutions, LLC.

2. Identify the Judge Issuing the Decision, Judgment, or Order Appealed From.

The Honorable Kenneth Cory (retired) issued the decision via a minute order, and the written order was entered by the Honorable Tara Clark Newberry.

///

3. **Identify Each Appellant and the Name and Address of Counsel for Each Appellant.**

Appellants: Unite Here Health; and Nevada Health Solutions, LLC

John R. Bailey
Nevada Bar No. 137
Dennis L. Kennedy
Nevada Bar No. 1462
Sarah E. Harmon
Nevada Bar No. 8106
Joseph A. Liebman
Nevada Bar No. 10125
BAILEY KENNEDY
8984 Spanish Ridge Avenue
Las Vegas, Nevada 89184

Counsel for Appellants Unite Here Health and Nevada Health Solutions, LLC

4. **Identify Each Respondent and the Name and Address of Appellate Counsel, if Known, for Each Respondent (if the Name of a Respondent's Appellate Counsel Is Unknown, Indicate as Much and Provide the Name and Address of that Respondent's Trial Counsel).**

Respondent: State of Nevada, ex rel. Commissioner of Insurance, Barbara D. Richardson, in her official capacity as Statutory Receiver for delinquent domestic insurer; and Nevada Health CO-OP

Mark E. Ferrario
Nevada Bar No. 1625
Donald L. Prunty
Nevada Bar No. 8230
Tami D. Cowden
Nevada Bar No. 8994
GREENBERG TRAUIG, LLP
10845 Griffith Peak Drive, Suite 600
Las Vegas, Nevada 89135
Telephone: (702) 792-3773

Counsel for Respondent State of Nevada, ex rel. Commissioner of Insurance, Barbara D. Richardson, in her official capacity as Statutory Receiver for delinquent domestic insurer

Respondent: Greenberg Traurig, LLP

Mark E. Ferrario
Nevada Bar No. 1625
Donald L. Prunty
Nevada Bar No. 8230
Tami D. Cowden
Nevada Bar No. 8994
GREENBERG TRAUIG, LLP
10845 Griffith Peak Drive, Suite 600
Las Vegas, Nevada 89135

///

And

Michael P. McNamara
JENNER & BLOCK LLP
633 West 5th Street, Suite 3600
Los Angeles, California 90071

And

David Jimenez-Ekman
JENNER & BLOCK LLP
353 North Clark Street, Suite 3900
Chicago, Illinois 60654

Counsel for Respondent Greenberg Traurig, LLP

- 5. Indicate Whether any Attorney Identified Above in Response to Question 3 or 4 Is Not Licensed to Practice Law in Nevada and, if so, Whether the District Court Granted That Attorney Permission to Appear Under SCR 42 (Attach a Copy of Any District Court Order Granting Such Permission):**

Michael P. McNamara and David Jimenez-Ekman are not licensed to practice law in Nevada. However, on December 22, 2020, the District Court granted the Motion to Associate both attorneys. A copy of the Notice of Entry of Order granting the Motion to Associate is attached as Exhibit A.

- 6. Indicate Whether Appellant Was Represented by Appointed or Retained Counsel in the District Court.**

Retained Counsel

- 7. Indicate Whether Appellant Is Represented by Appointed or Retained Counsel on Appeal.**

Retained Counsel

- 8. Indicate Whether Appellant Was Granted Leave to Proceed in *Forma Pauperis*, and the Date of Entry of the District Court Order Granting Such Leave.**

N/A

- 9. Indicate the Date the Proceedings Commenced in the District Court (e.g., Date Complaint, Indictment, Information, or Petition Was Filed).**

The Petition for Appointment of Commissioner as Receiver and Other Permanent Relief, Request for Temporary Injunction Pursuant to NRS 696B.270(1) was filed on September 25, 2015.

10. **Provide a Brief Description of the Nature of the Action and Result in the District Court, Including the Type of Judgment or Order Being Appealed and the Relief Granted by the District Court.**

Nevada Health CO-OP (“NHC”) was a licensed Nevada health insurer formed under a provision of the federal Patient Protection and Affordable Care Act (“ACA”). NHC offered its health plans to Nevadans on the Nevada health benefit exchange (“Exchange”), which Xerox State Healthcare, LLC (“Xerox”) developed, administered, and managed. Xerox’s primary duties included ensuring that the Exchange promptly transferred consumer data and consumer premium payments to insurers and/or their vendors. However, Xerox failed at these duties, and the Exchange was, essentially, a disaster. Deloitte Consulting LLP was retained to evaluate the Exchange, and it identified over 1,500 defects, 500 of which were classified as “higher severity.” As a result, Xerox’s contract with the Exchange was terminated, and Nevada’s health benefit exchange ultimately became part of the federal health benefit exchange.

Xerox’s poor design and management of the Exchange negatively impacted NHC’s operations, such that at least 50 percent of its resources were committed to resolving Xerox-related issues. Thus, in August 2015, NHC’s Board of Directors voted to voluntarily cease operations after December 31, 2015. Consequently, on September 25, 2015, the Commissioner of the Nevada Department of Insurance filed a Petition for Appointment as Receiver. On October 1, 2015, the Commissioner was appointed as Temporary Receiver of NHC, and on October 14, 2015, the Commissioner became the Permanent Receiver. On September 20, 2016, the District Court adjudged NHC to be insolvent and authorized the Receiver to liquidate the business of NHC.

In or around January 2017, Greenberg Traurig, LLP (“Greenberg”) was appointed as counsel for the Receiver, in the place and stead of the Nevada Attorney General. However, Greenberg and the Receiver failed to disclose to the District Court at the time of its appointment that Greenberg was concurrently representing Valley Health System (“Valley”), one of the receivership estate’s most significant creditors in this action, as well as Xerox, a potential target defendant for recovery of assets for the receivership estate and its creditors. In August 2017, the Receiver, through Greenberg, filed a complaint in another action against several of NHC’s former vendors, directors, and officers, alleging that they were responsible for NHC’s failure. Notably, the Receiver, through Greenberg,

1 failed to allege any claims against Xerox in this action (or in any subsequent, related actions),
2 instead blaming NHC's former vendors, directors, and officers for many of the failures that were
3 actually caused by Xerox. It is likely that the statute of limitations on any such claims against Xerox
4 has now expired. As a result, NHC's creditors have been harmed by the Receiver's failure to pursue
5 this significant source of potential recovery and Greenberg's egregious, undisclosed conflicts of
6 interest and inability to sue Xerox.

7 After learning of Greenberg's conflicts of interest through discovery, on October 8, 2020,
8 Unite Here Health and Nevada Health Solutions, LLC — two creditors and interested parties of the
9 receivership estate — filed a Motion to Disqualify Greenberg as counsel for the Receiver and to
10 disgorge approximately \$5 million in attorney's fees that Greenberg has collected for representing
11 the Receiver (monies that would have otherwise gone to NHC's creditors, including, but not limited
12 to, medical providers and insureds). On December 31, 2020, Judge Kenneth Cory (now retired)
13 issued a Minute Order denying the Motion due to a lack of binding authority mandating that the
14 Receiver or Greenberg disclose all possible conflicts of interest to the District Court. Judge Cory
15 also found that there were no related matters where NHC was adverse to Xerox (which was not
16 surprising given that Greenberg could not ethically sue Xerox), and that he was not in the best
17 position to determine whether there were conflicts of interest in other actions brought by the
18 Receiver. The Minute Order was memorialized in a written Order signed and entered by Judge Tara
19 Clark Newberry on January 15, 2021. Notice of Entry of the Order was filed the same day.

20 **11. Indicate Whether the Case Has Previously Been the Subject of an Appeal to or Original**
21 **Writ Proceeding in the Supreme Court, and, if so, the Caption and Supreme Court**
22 **Docket Number of the Prior Proceeding.**

23 No

24 **12. Indicate Whether This Appeal Involves Child Custody or Visitation.**

25 No

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27 ///

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13. **If This Is a Civil Case, Indicate Whether this Appeal Involves the Possibility of Settlement.**

The primary issue presented in this appeal—the disqualification of the Receiver’s counsel due to undisclosed, egregious conflicts of interest that have harmed the receivership estate’s creditors—is not an issue that can be resolved through settlement. Thus, the Appellants request exemption from the mandatory settlement conference program.

DATED this 8th day of February, 2021.

BAILEY ♦ KENNEDY

By: /s/ Dennis L. Kennedy
JOHN R. BAILEY
DENNIS L. KENNEDY
JOSEPH A. LIEBMAN

*Attorneys for Creditors and Interested
Parties Unite Here Health
and Nevada Health Solutions, LLC*

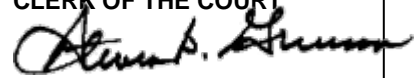
CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY ❖ KENNEDY and that on the 8th day of February, 2021, service of the foregoing **CASE APPEAL STATEMENT** was made by mandatory electronic service through the Eighth Judicial District Court's electronic filing system on all parties with an email address on record in this case.

/s/ Angelique Mattox
Employee of BAILEY ❖ KENNEDY

EXHIBIT A

EXHIBIT A



1 **NEOJ**

2 MARK E. FERRARIO, ESQ.
3 Nevada Bar No. 001625

4 DONALD L. PRUNTY, ESQ.
5 Nevada Bar No. 008230

6 TAMI D. COWDEN, ESQ.
7 Nevada Bar No. 008994

8 GREENBERG TRAURIG, LLP
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11 Telephone: (702) 792-3773

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16 *Counsel for Plaintiff*

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EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA, EX REL.
COMMISSIONER OF INSURANCE,
BARBARA D. RICHARDSON, IN HER
OFFICIAL CAPACITY AS RECEIVER
FOR NEVADA HEALTH CO-OP,

Plaintiff,

v.

NEVADA HEALTH CO-OP,

Defendant.

CASE NO. A-15-725244-C
DEPARTMENT I

NOTICE OF ENTRY

[ORDER GRANTING MOTION TO ASSOCIATE COUNSEL]

///

///

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NOTICE OF ENTRY

[ORDER GRANTING MOTION TO ASSOCIATE COUNSEL]

YOU AND EACH OF YOU, will please take notice that the **ORDER GRANTING MOTION TO ASSOCIATE COUNSEL** was entered on the 22nd day of December 2020. A copy of said Order is attached hereto as **Exhibit A**.

DATED this 22ND day of December 2020.

GREENBERG TRAURIG, LLP

/s/ Donald L. Prunty

MARK E. FERRARIO, ESQ.

Nevada Bar No. 001625

DONALD L. PRUNTY, ESQ.

Nevada Bar No. 008230

TAMI D. COWDEN, ESQ.

Nevada Bar No. 008994

GREENBERG TRAURIG, LLP

10845 Griffith Peak Drive, Suite 600

Las Vegas, Nevada 89135

Telephone: (702) 792-3773

Facsimile: (702) 792-9002

Counsel for Plaintiff

CERTIFICATE OF SERVICE

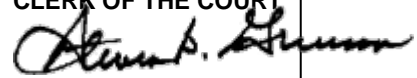
I HEREBY CERTIFY that, on the **22nd day of December 2020**, and pursuant to NEFCR 9, NRCR 5(b), and EDCR 7.26, a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER GRANTING MOTION TO ASSOCIATE COUNSEL** was filed with the Clerk of the Court using the Odyssey eFileNV Electronic Service system and served on all parties with an email-address on record, pursuant to Administrative Order 14-2 and Rule 9 of the N.E.F.C.R.

The date and time of the electronic proof of service is in place of the date and place of deposit in the United States mail.

/s/ Evelyn Escobar-Gaddi
An employee of GREENBERG TRAURIG, LLP

EXHIBIT A

Order Granting Motion to Associate Counsel



1 **OGM**

2 MARK E. FERRARIO, ESQ.

3 Nevada Bar No. 1625

4 DONALD L. PRUNTY, ESQ.

5 Nevada Bar No. 08230

6 GREENBERG TRAURIG, LLP

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9 Telephone: 702-792-3773

10 Facsimile: 702-792-9002

11 Email: ferrariom@gtlaw.com

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13 *Counsel to Greenberg Traurig, LLP and Barbara D. Richardson,*
14 *Commissioner of Insurance, as the Permanent Receiver for*
15 *Nevada Health Co-Op*

16 **DISTRICT COURT**

17 **CLARK COUNTY, NEVADA**

18 STATE OF NEVADA, EX. REL.

19 COMMISSIONER OF INSURANCE,

20 BARBARA D. RICHARDSON, IN HER

21 OFFICIAL CAPACITY AS STATUTORY

22 RECEIVER FOR DELINQUENT DOMESTIC

23 INSURER,

24 Plaintiff,

25 v.

26 NEVADA HEALTH CO-OP,

27 Defendant.

Case No. A-15-725244-C

Department I

**[PROPOSED] ORDER GRANTING
MOTION TO ASSOCIATE
COUNSEL**

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1 It is hereby ORDERED, ADJUDGED AND DECREED that Greenberg Traurig,
2 LLP's Motion to Associate with Michael McNamara and David Jimenez-Ekman to practice
3 in the state of Nevada pursuant to Nevada Supreme Court Rule 42 is hereby **GRANTED**.

4 **IT IS SO ORDERED.**

5 DATED this 22nd day of ^{December}~~November~~ 2020

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7 **JUDGE OF THE DISTRICT COURT**
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EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY**CASE NO. A-15-725244-C**

State of Nevada, ex rel Commissioner of Insurance,
 Plaintiff(s)
 vs.
 Nevada Health CO-OP, Defendant(s)

§
 §
 §
 §
 §

Location: **Department 21**
 Judicial Officer: **Clark Newberry, Tara**
 Filed on: **09/25/2015**
 Case Number History:
 Cross-Reference Case Number: **A725244**

CASE INFORMATION**Statistical Closures**

11/14/2016 Summary Judgment

Case Type: **Other Civil Matters**

Case Status: **11/14/2016 Closed**

DATE**CASE ASSIGNMENT****Current Case Assignment**

Case Number A-15-725244-C
 Court Department 21
 Date Assigned 01/04/2021
 Judicial Officer Clark Newberry, Tara

PARTY INFORMATION

		<i>Lead Attorneys</i>
Plaintiff	State of Nevada, ex rel Commissioner of Insurance	Grigoriev, Joanna N. <i>Retained</i> 7023861086(W)
Defendant	Nevada Health CO-OP	Brignone, Andrew Silvio <i>Retained</i> 7023822101(W)
Objector	Unite Here Health	Bailey, John R <i>Retained</i> 702-562-8820(W)
Other	Cantilo & Bennett LLP	
	Silver State Health Insurance Exchange	Briggs, Michelle D. <i>Retained</i> 7027910308(W)
	Valley Health System	Swanis, Eric W. <i>Retained</i> 7027923773(W)
	WellHealth Medical Associates, PLLC dba WellHealth Quality Care	Cook, Marc P <i>Retained</i> 702-385-3788(W)
Other Defendant	Nevada Health Solutions, LLC	James, Evan L. <i>Retained</i> 702-255-1718(W)
Receiver	Richardson, Barbara	Ferrario, Mark E., ESQ <i>Retained</i> 702-792-3773(W)

DATE**EVENTS & ORDERS OF THE COURT****INDEX****EVENTS**

CASE SUMMARY

CASE NO. A-15-725244-C

09/25/2015	 Petition Filed by: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Petition for Appointment of Commissioner as Receiver and Other Permanent Relief; Request for Temporary Injunction Pursuant to NRS 696B.270(1)</i>
09/29/2015	 Initial Appearance Fee Disclosure Filed By: Defendant Nevada Health CO-OP <i>Initial Appearance Fee Disclosure (NRS Chapter 19)</i>
09/29/2015	 Notice of Non Opposition Filed By: Defendant Nevada Health CO-OP <i>Notice of Nonopposition to Plaintiff's Petition for Appointment of Commissioner as Receiver and Other Permanent Relief; Request for Temporary Injunction Pursuant to NRS 696B.270(1)</i>
10/01/2015	 Order Filed By: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Order Appointing the Acting Insurance Commissioner, Amy L. Parks as Temporary Receiver Pending Further Orders of the Court and Granting Temporary Injunctive Relief Pursuant to NRS 696B.270</i>
10/14/2015	 Order Filed By: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Permanent Injunction and Order Appointing Commissioner as Permanent Receiver of Nevada Health CO-OP</i>
12/18/2015	 Motion Filed By: Receiver Parks, Amy L <i>Motion to Approve Professional Fee Rates</i>
01/13/2016	 Accounting Filed By: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>First Status Report</i>
02/16/2016	 Notice of Appearance Party: Defendant Nevada Health CO-OP <i>Notice of Appearance</i>
02/19/2016	 Order Filed By: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Order</i>
02/22/2016	 Motion Filed By: Receiver Parks, Amy L <i>First Motion for Order Authorizing Payments</i>
02/23/2016	 Notice Filed By: Receiver Parks, Amy L <i>Notice of Entry of Order</i>
02/25/2016	 Order Filed By: Other Cantilo & Bennett LLP <i>Order Granting Special Deputy Receiver, Cantilo & Bennett, L.L.P.'s First Motion, on Order Shortening Time, For Order Authorizing Payments</i>
02/25/2016	 Notice of Entry of Order

CASE SUMMARY

CASE NO. A-15-725244-C

Filed By: Receiver Parks, Amy L

Notice of Entry of Order Granting Special Deputy Receiver, Cantilo & Bennett, L.L.P.'s First Motion, On Order Shortening Time, For Order Authorizing Payments

04/06/2016



Status Report

Second Status Report

04/06/2016



Notice

Filed By: Plaintiff State of Nevada, ex rel Commissioner of Insurance

Notice of Substitution of Receiver

07/06/2016



Status Report

Filed By: Defendant Nevada Health CO-OP

Third Status Report

07/21/2016



Motion

Filed By: Receiver Richardson, Barbara

Motion for Final Order Finding and Declaring Nevada Health CO-OP to be Insolvent, Placing Nevada Health CO-OP into Liquidation and Granting Related Relief

08/08/2016



Response

Filed by: Defendant Nevada Health CO-OP

Response to Motion for Final Order Finding and Declaring Nevada Health Co-Op to be Insolvent, Placing Nevada Health Co-Op into Liquidation and Granting Related Relief

08/16/2016



Initial Appearance Fee Disclosure

Filed By: Other Valley Health System

Initial Appearance Fee Disclosure

08/24/2016



Reply in Support

Filed By: Receiver Richardson, Barbara

Reply in Support of Motion for Final Order Finding and Declaring Nevada Health CO-OP to be Insolvent, Placing Nevada Health CO-OP into Liquidation, and Granting Related Relief

09/21/2016



Notice

Filed By: Defendant Nevada Health CO-OP

Notice of Entry of Final Order Finding and Declaring Nevada Health CO-OP to be Insolvent and Placing Nevada Health CO-OP into Liquidation

09/21/2016



Order

Filed By: Receiver Richardson, Barbara

Final Order Finding and Declaring Nevada Health CO-OP to be Insolvent and Placing Nevada Health CO-OP into Liquidation

10/06/2016



Status Report

Filed By: Receiver Richardson, Barbara

Fourth Status Report

10/10/2016



Notice of Entry of Order

Filed By: Receiver Richardson, Barbara

Notice of Entry of Order

10/10/2016



Order

Filed By: Defendant Nevada Health CO-OP

Final Order Granting Other Relief Related to Receiver's Motion for Final Order Finding and

CASE SUMMARY

CASE NO. A-15-725244-C

Declaring Nevada Health CO-OP to be Insolvent and Placing Nevada Health CO-OP into Liquidation

12/19/2016



Motion

Filed By: Defendant Nevada Health CO-OP
Motion to Approve Professional Fee Rates on an Order Shortening Time

01/05/2017



Status Report

Filed By: Plaintiff State of Nevada, ex rel Commissioner of Insurance
Fifth Status Report

01/18/2017



Order

Filed By: Defendant Nevada Health CO-OP
Order

01/23/2017



Notice

Filed By: Plaintiff State of Nevada, ex rel Commissioner of Insurance
Notice of Entry of Order

04/05/2017



Status Report

Filed By: Receiver Richardson, Barbara
Sixth Status Report

04/05/2017



Notice

Filed By: Receiver Richardson, Barbara
Notice of In Camera Submission

06/08/2017



Motion

Filed By: Receiver Richardson, Barbara
Receiver's Motion for Order of Release of Special Deposit and all Accrued Interest Thereon to the Receiver

06/20/2017



Motion

Filed By: Receiver Richardson, Barbara
Receiver's Motion for Instructions for ESI Protocol and Protective Order

07/06/2017



Notice

Filed By: Receiver Richardson, Barbara
Notice of In-Camera Submission

07/06/2017



Status Report

Filed By: Receiver Richardson, Barbara
Seventh Status Report

07/07/2017



Supplement

Filed by: Receiver Richardson, Barbara
Supplement to Seventh Status Report

08/04/2017



Order Granting Motion

Filed By: Receiver Richardson, Barbara
Order Granting Receiver's Motion for Order of Release of Special Deposit and All Accrued Interest Thereon to the Receiver


08/28/2017



Supplement

CASE SUMMARY

CASE NO. A-15-725244-C

	Filed by: Receiver Richardson, Barbara <i>Supplemental Memorandum in Support of Receiver's Motion for Instructions for ESI Protocol and Protective Order</i>
09/13/2017	 Order Granting Motion Filed By: Receiver Richardson, Barbara <i>Order Granting Receiver's Motion for Instructions for ESI Protocol and Protective Order</i>
09/14/2017	 Notice of Entry of Order Filed By: Receiver Richardson, Barbara <i>Notice of Entry of Order Granting Receiver's Motion for Instructions for ESI Protocol and Protective Order</i>
09/14/2017	 Motion Filed By: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Motion to Coordinate Cases</i>
10/06/2017	 Status Report Filed By: Receiver Richardson, Barbara <i>Eighth Status Report</i>
10/16/2017	 Motion Filed By: Receiver Richardson, Barbara <i>Receiver's Motion to Approve Professional Fee Rates</i>
10/16/2017	 Errata Filed By: Receiver Richardson, Barbara <i>Errata to Receiver's Motion to Approve Professional Fee Rates</i>
10/26/2017	 Joinder Filed By: Other Defendant Nevada Health Solutions, LLC <i>Joinder of Opposition to Motion to Coordinate Cases</i>
11/03/2017	 Reply Filed by: Plaintiff State of Nevada, ex rel Commissioner of Insurance; Receiver Richardson, Barbara <i>Reply in Support of Motion to Coordinate Cases</i>
11/09/2017	 Recorders Transcript of Hearing <i>Transcript Re: Plaintiff's Motion to Coordinate Cases 11-07-17</i>
01/05/2018	 Status Report Filed By: Receiver Richardson, Barbara <i>Ninth Status Report</i>
01/05/2018	 Notice Filed By: Receiver Richardson, Barbara <i>Notice of In-Camera Submission</i>
03/22/2018	 Recorders Transcript of Hearing <i>Recorder's Transcript Re: Receiver's Motion to Approve Professional Fee Rates 01-23-18</i>
04/03/2018	 Status Report Filed By: Plaintiff State of Nevada, ex rel Commissioner of Insurance

CASE SUMMARY

CASE NO. A-15-725244-C

Tenth Status Repot

05/04/2018	 Order Granting Motion Filed By: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Order Granting Receiver's Motion to Approve Professional Fee Rates</i>
05/22/2018	 Notice of Entry of Order Filed By: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Notice of Entry of Order Granting Receiver's Motion to Approve Professional Fee Rates</i>
07/02/2018	 Status Report Filed By: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Eleventh Status Report</i>
07/03/2018	 Notice Filed By: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Notice of In-Camera Submission</i>
07/09/2018	 Motion for Order to Show Cause Filed By: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Motion for Order to Show Cause on Order Shortening Time</i>
07/19/2018	 Notice of Motion Filed By: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Re-Notice of Motion on Plaintiff's Motion for Order to Show Cause</i>
08/14/2018	 Notice of Non Opposition Filed By: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Notice of Non-Opposition to Motion for Order to Show Cause</i>
08/22/2018	 Order to Show Cause Filed by: Plaintiff State of Nevada, ex rel Commissioner of Insurance; Receiver Richardson, Barbara <i>Order to Show Cause</i>
08/24/2018	 Notice of Entry of Order Filed By: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Notice of Entry of Order to Show Cause</i>
09/18/2018	 Certificate of Service Filed by: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Certificate of Service of Re-Notice of Hearing on Order to Show Cause</i>
09/18/2018	 Re-Notice Filed by: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Re-Notice of Hearing on Order to Show Cause</i>
09/18/2018	 Acceptance of Service Filed By: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Acceptance of Service of the Order to Show Cause - Wellhealth</i>
09/24/2018	 Notice of Change of Address Filed By: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Notice of Change of Firm Address</i>

CASE SUMMARY

CASE NO. A-15-725244-C

10/03/2018	 Status Report Filed By: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Twelfth Status Report</i>
10/10/2018	 Notice Filed By: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Notice of In-Camera Submission</i>
10/24/2018	 Re-Notice Filed by: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Re-Notice of Hearing on Order to Show Cause</i>
11/05/2018	 Re-Notice Filed by: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Re-Notice of Hearing on Order to Show Cause</i>
11/13/2018	 Re-Notice Filed by: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Re-Notice of Hearing on Order to Show Cause</i>
11/21/2018	 Re-Notice Filed by: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Re-Notice of Hearing on Order to Show Cause</i>
01/07/2019	 Status Report Filed By: Receiver Richardson, Barbara <i>Thirteenth Status Report</i>
01/07/2019	 Notice Filed By: Receiver Richardson, Barbara <i>Notice of In Camera Submission</i>
01/16/2019	 Notice of Rescheduling of Hearing Filed by: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Re-Notice of Hearing on Order to Show Cause</i>
02/14/2019	 Motion to Seal/Redact Records Filed By: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Receiver's Motion to File Confession of Judgment Under Seal</i>
02/15/2019	 Notice of Hearing Filed By: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Re-Notice of Hearing on Order to Show Cause</i>
02/28/2019	 Response Filed by: Other WellHealth Medical Associates, PLLC dba WellHealth Quality Care <i>WellHealth Medical Associates (Volker), PLLC dba WellHealth Quality Care's Response to Motion for Order to Show Cause</i>
02/28/2019	 Initial Appearance Fee Disclosure Filed By: Other WellHealth Medical Associates, PLLC dba WellHealth Quality Care <i>Initial Appearance Fee Disclosure</i>

CASE SUMMARY

CASE NO. A-15-725244-C

03/06/2019	 Motion for Determination of Good Faith Settlement Filed By: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Plaintiff's Motion for Determination of Good Faith Settlement with Millennium Consulting Services, LLC on Order Shortening Time</i>
04/02/2019	 Status Report <i>Fourteenth Status Report</i>
04/02/2019	 Notice Filed By: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Notice of In-Camera Submission</i>
04/03/2019	 Amended Notice Filed By: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Amended Notice of In-Camera Submission</i>
04/03/2019	 Errata Filed By: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Errata to Fourth Satus Report</i>
04/03/2019	 Errata Filed By: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Amended Errata to Fourteenth Status Report</i>
06/12/2019	 Motion Filed By: Receiver Richardson, Barbara <i>Receiver's Motion to Approve Expert Witness Fee on an OST</i>
06/12/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
06/12/2019	 Errata Filed By: Receiver Richardson, Barbara <i>Errata to Receiver's Motion to Approve Expert Witness Fee on an OST</i>
07/02/2019	 Order Granting Motion Filed By: Receiver Richardson, Barbara <i>Order Granting Receiver's Motion to Approve Expert Witness Fee Rates on an Order Shortening Time</i>
07/03/2019	 Notice of Entry of Order Filed By: Receiver Richardson, Barbara <i>Notice of Entry of Order Granting Receiver's Motion to Approve Expert Witness Fee Rates on an Order Shortening Time</i>
07/08/2019	 Status Report Filed By: Receiver Richardson, Barbara <i>Fifteenth Status Report</i>
07/08/2019	 Notice Filed By: Receiver Richardson, Barbara <i>Notice of In-Camera Submission</i>
07/09/2019	 Notice of Entry of Order















CASE SUMMARY

CASE NO. A-15-725244-C

	<p>Filed By: Receiver Richardson, Barbara <i>Notice of Entry of Order Granting Receiver's Motion to Approve Expert Witness Fee Rates on an Order Shortening Time</i></p>
09/16/2019	<p> Motion for Determination of Good Faith Settlement Filed By: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Motion for Determination of Good Faith Sale of Interest in Receivables by Plaintiff, Order Approving Sale and Permitting Distribution of Certain Funds, on Order Shortening Time</i></p>
09/25/2019	<p> Objection Filed By: Objector Unite Here Health <i>Creditor and Interested Party Unite Here Health's Objection to Motion for Determination of Good Faith Sale of Interest in Receivables by Plaintiff, Order Approving Sale and Permitting Distribution of Certain Funds</i></p>
10/01/2019	<p> Notice of Hearing <i>Notice of Hearing (Motion for Determination of Good Faith Sale of Interest in Receivables by Plaintiff)</i></p>
10/07/2019	<p> Status Report Filed By: Receiver Richardson, Barbara <i>Sixteenth Status Report</i></p>
10/07/2019	<p> Notice Filed By: Receiver Richardson, Barbara <i>Notice of In Camera Submission</i></p>
10/11/2019	<p> Reply in Support <i>Reply in Support of Receiver's Motion for Determination of Good Faith Sale of Interest in Receivables by Plaintiff, Order Approving Sale and Permitting Distribution of Certain Funds</i></p>
10/16/2019	<p> Order <i>Order Approving Sale of Receivables Interest and Permitting Distribution of Certain Funds</i></p>
10/16/2019	<p> Notice of Entry of Order <i>Notice of Entry of Order Approving Sale of Receivables Interest and Permitting Distribution of Certain Funds</i></p>
11/06/2019	<p> Recorders Transcript of Hearing <i>Recorder's Transcript Re: Plaintiff's Motion for Determination of Good Faith Sale of Interest in Receivables by Plaintiff, Order Approving Sale and Permitting Distribution of Certain Funds on Order Shortening Time 10-16-19</i></p>
12/06/2019	<p> Motion for Order Filed By: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Motion for Order Authorizing Satisfaction of Hardship Claims</i></p>
12/17/2019	<p> Order Granting Motion Filed By: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Order Granting Motion for Order Authorizing Satisfaction of Hardship Claims</i></p>
12/18/2019	<p> Notice of Entry of Order Filed By: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Notice of Entry of Order Granting Motion for Order Authorizing Satisfaction of Hardship Claims</i></p>

CASE SUMMARY

CASE NO. A-15-725244-C

01/06/2020	 Status Report <i>Seventeenth Status Report</i>
01/06/2020	 Notice <i>Notice of In-Camera Submission (in support of Seventeenth Status Report)</i>
04/01/2020	 Status Report <i>Eighteenth Status Report</i>
04/01/2020	 Notice <i>Notice of In-Camera Submission (re Eighteenth Status Report)</i>
07/10/2020	 Status Report <i>Nineteenth Status Report</i>
07/10/2020	 Notice <i>Notice of In-Camera Submission (in support of Nineteenth Status Report)</i>
07/13/2020	 Amended Certificate of Service <i>Amended Certificate of Service to Nineteenth Status Report Filed and Served July 10, 2020</i>
09/24/2020	 Recorders Transcript of Hearing <i>Recorder's Transcript Re: Defendant's Motion to Approve Professional Fee Rates on an Order Shortening Time 01-10-17</i>
09/29/2020	 Motion to Intervene Party: Other Silver State Health Insurance Exchange <i>Motion to Intervene</i>
09/29/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
10/08/2020	 Motion to Disqualify Attorney Filed By: Other Defendant Nevada Health Solutions, LLC; Objector Unite Here Health <i>Unite Here Health and Nevada Health Solutions, LLC's Motion to: (1) Disqualify Greenberg Traurig, LLP as Counsel for the Statutory Receiver of Nevada Health Co-Op; and (2) Disgorge Attorney's Fees Paid by Nevada Health Co-Op to Greenberg Traurig, LLP</i>
10/08/2020	 Appendix Filed By: Other Defendant Nevada Health Solutions, LLC; Objector Unite Here Health <i>Appendix of Exhibits to Unite Here Health and Nevada Health Solutions, LLC's Motion to: (1) Disqualify Greenberg Traurig, LLP as Counsel for the Statutory Receiver of Nevada Health Co-Op; and (2) Disgorge Attorney's Fees Paid by Nevada Health Co-Op to Greenberg Traurig, LLP - Volume 1 of 2</i>
10/08/2020	 Appendix Filed By: Other Defendant Nevada Health Solutions, LLC; Objector Unite Here Health <i>Appendix of Exhibits to Unite Here Health and Nevada Health Solutions, LLC's Motion to: (1) Disqualify Greenberg Traurig, LLP as Counsel for the Statutory Receiver of Nevada Health Co-Op; and (2) Disgorge Attorney's Fees Paid by Nevada Health Co-Op to Greenberg Traurig, LLP - Volume 2 of 2</i>
10/09/2020	 Clerk's Notice of Hearing

CASE SUMMARY

CASE NO. A-15-725244-C

Notice of Hearing

10/09/2020	 Errata Filed By: Other Silver State Health Insurance Exchange <i>Errata to Motion to Intervene</i>
10/13/2020	 Opposition Filed By: Plaintiff State of Nevada, ex rel Commissioner of Insurance; Receiver Richardson, Barbara <i>Opposition to Motion to Intervene</i>
10/16/2020	 Status Report <i>Twentieth Status Report</i>
10/16/2020	 Notice Filed By: Receiver Richardson, Barbara <i>Notice of In-Camera Submission (in support of Twentieth Status Report)</i>
10/22/2020	 Stipulation and Order Filed by: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Stipulation and Order to Modify Briefing Schedule and Continue Hearing on Unite Here Health and Nevada Health Solutions LLC's Motion to 1-Disqualify Greenberg Traurig LLP as Counsel for the Statutory Receiver of the Nevada Health Co-Op; and 2-Disgorge Attorney's Fees Paid by Nevada Health Co-Op to Greenberg Traurig LLP</i>
10/23/2020	 Notice of Entry of Order Filed By: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Notice of Entry of Stipulation and Order to Modify Briefing Schedule and Continue Hearing on Unite Here Health and Nevada Health Solutions, LLC's Motion to (1) Disqualify Greenberg Traurig, LLP as Counsel for the Statutory Receiver of the Nevada Health Co-Op; and (2) Disgorge Attorney's Fees Paid by Nevada Health Co-op to Greenberg Traurig, LLP</i>
10/28/2020	 Reply to Opposition Filed by: Other Silver State Health Insurance Exchange <i>Reply to Opposition to Motion to Intervene</i>
11/16/2020	 Motion to Associate Counsel Filed By: Defendant Nevada Health CO-OP; Receiver Richardson, Barbara <i>Motion to Associate Counsel</i>
11/16/2020	 Opposition to Motion <i>Greenberg Traurig LLP's Opposition to Unite Here Health and Nevada Health Solutions, LLC's Motion to Disqualify Greenberg Traurig and Disgorge Attorneys' Fees</i>
11/16/2020	 Appendix <i>Appendix of Exhibits to Greenberg Traurig, LLP's Opposition to Motion to Disqualify Greenberg Traurig and Disgorge Attorneys' Fees</i>
11/16/2020	 Joinder to Opposition to Motion Filed by: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Plaintiff's Joinder to Greenberg Traurig, LLP's Opposition to Unite Here Health and Nevada Health Solutions, LLC's Motion to Disqualify Greenberg Traurig and Disgorge Attorneys' Fees</i>
11/17/2020	 Clerk's Notice of Hearing

CASE SUMMARY

CASE NO. A-15-725244-C

	<i>Notice of Hearing</i>
11/17/2020	 Notice of Change of Hearing <i>Notice of Change of Hearing</i>
11/17/2020	 Clerk's Notice of Nonconforming Document <i>Clerk's Notice of Nonconforming Document</i>
11/18/2020	 Clerk's Notice of Nonconforming Document and Curative Action <i>Clerk's Notice of Curative Action</i>
11/18/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
11/24/2020	 Stipulation and Order <i>Amended Stipulation and Order to Modify Briefing Schedule and Continue Hearing</i>
11/25/2020	 Notice of Entry of Stipulation and Order Filed By: Other Defendant Nevada Health Solutions, LLC; Objector Unite Here Health <i>Notice of Entry of Amended Stipulation and Order to Modify Briefing Schedule and Continue Hearing on Unite Here Health and Nevada Health Solutions, LLC's Motion to: (1) Disqualify Greenberg Traurig, LLP as Counsel for the Statutory Receiver of the Nevada Health CO-OP; and (2) Disgorge Attorney's Fees Paid by Nevada Health CO-OP to Greenberg Traurig, LLP</i>
12/08/2020	 Reply in Support Filed By: Other Defendant Nevada Health Solutions, LLC; Objector Unite Here Health <i>Reply in Support of Unite Here Health and Nevada Health Solutions, LLC's Motion to: (1) Disqualify Greenberg Traurig, LLP as Counsel for the Statutory Receiver of Nevada Health CO-OP; and (2) Disgorge Attorney's Fees Paid by Nevada Health CO-OP to Greenberg Traurig, LLP</i>
12/14/2020	 Declaration <i>Declaration of Commissioner of Insurance Barbara Richardson in Support of Greenberg Traurig, LLP's Opposition to Motion to Disqualify Greenberg Traurig, LLP and to Disgorge Attorneys' Fees</i>
12/22/2020	 Order Granting Motion Filed By: Receiver Richardson, Barbara <i>Order Granting Motion to Associate Counsel</i>
12/22/2020	 Notice of Entry of Order Filed By: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Notice of Entry</i>
12/29/2020	 Recorders Transcript of Hearing <i>Recorder's Transcript of Hearing: All Pending Motions 12-15-20</i>
12/29/2020	 Order Denying Filed By: Plaintiff State of Nevada, ex rel Commissioner of Insurance <i>Order Denying Silver State Health Insurance Exchange's Motion to Intervene</i>
01/04/2021	Case Reassigned to Department 21 <i>Judicial Reassignment to Judge Tara Clark Newberry</i>
01/08/2021	 Status Report

CASE SUMMARY

CASE NO. A-15-725244-C

Filed By: Receiver Richardson, Barbara
Twenty-First Status Report

01/08/2021



Notice

Filed By: Receiver Richardson, Barbara
Notice of In-Camera Submission (in support of Twenty-First Status Report)

01/15/2021



Order Denying Motion

Filed By: Receiver Richardson, Barbara
Order Denying Motion to Disqualify Greenberg Traurig, LLP and to Disgorge Attorney Fees

01/15/2021



Notice of Entry of Order

Filed By: Plaintiff State of Nevada, ex rel Commissioner of Insurance
Notice of Entry of Order

02/08/2021



Notice of Appeal

Filed By: Other Defendant Nevada Health Solutions, LLC; Objector Unite Here Health
Notice of Appeal

02/08/2021



Case Appeal Statement

Filed By: Other Defendant Nevada Health Solutions, LLC; Objector Unite Here Health
Case Appeal Statement

HEARINGS

01/19/2016



Motion (3:00 AM) (Judicial Officer: Cory, Kenneth)

Receiver Amy L. Parks' Motion to Approve Professional Fee Rates
Granted;

Journal Entry Details:

Motion having been duly filed and served, no opposition having been filed, pursuant to EDCR 2.20 and for good cause shown, COURT ORDERED, Receiver Amy L. Parks' Motion to Approve Professional Fee Rates GRANTED. Ms. Grigoriev to prepare the Order. CLERK'S NOTE: The above minute order has been distributed to: Joanna Grigoriev, Esq. and Bryce Loveland, Esq. via e-mail. /mlt;

02/24/2016



Motion for Order (9:00 AM) (Judicial Officer: Cory, Kenneth)

Receiver's First Motion for Order Authorizing Payments
Granted;

Journal Entry Details:

Mr. Michael Bennett, Esq. present on behalf of Defendant. Ms. Yien advised no opposition has been filed. COURT ORDERED, Receiver's First Motion for Order Authorizing Payments GRANTED. ORDER SIGNED IN OPEN COURT.;

08/31/2016



Motion (9:00 AM) (Judicial Officer: Cory, Kenneth)

08/31/2016, 09/20/2016

Receiver's Motion for Final Order Finding and Declaring Nevada Health CO-OP to be Insolvent, Placing Nevada Health CO-OP into Liquidation and Granting Related Relief

Continued;

Granted in Part;

Journal Entry Details:

Ms. Grigoriev advised she believes the issues have been resolved with Valley Health System. Ms. Grigoriev argued NRS 696(b).110. Mr. Swanis advised he has had conversations with counsel and based on representations they are not contesting, just asking the case not be closed out; there are certain sensitive issues. Ms. Grigoriev requested a finding of insolvency out of liquidation. The notice procedures would be approved by the Court with some small changes and order approving the claims process. The changes would be claim deadline being to March. Statements by the Court as to leaving the order open and the Receiver will seek to publish in as many papers as possible. Ms. Grigoriev suggested publishing in the main newspaper in each County; gave summary of previous notice. Court STATED it would be wise

CASE SUMMARY

CASE NO. A-15-725244-C

to give notice in all Counties either by publication, media, or press release to let the general public have the chance to file a claim. Ms. Grigoriev advised she would submit an order. Ms. Grigoriev listed the changes regarding the claim filing deadline being updated and the e-mail submission being remove. Court STATED its concerns as to removing the e-mail submission and would prefer it be allowed and ALL publications reference the website. Ms. Grigoriev further advised the there would no longer be a five (5) day grace period for claims submitted by mail. Court instructed Ms. Grigoriev to include a three day grace period for filing by mail. Colloquy regarding statute as to proof of claims. COURT ORDERED, Receiver's Motion for Final Order Finding and Declaring Nevada Health CO-OP to be Insolvent, Placing Nevada Health CO-OP into Liquidation and Granting Related Relief GRANTED AS TO INSOLVENT and CONTINUED the remaining to this Court's Chamber Calendar for Decision.
CONTINUED TO: 9/26/16;


Continued;

Granted in Part;

Journal Entry Details:

Mark Bennett, Representative for Nevada Health CO-OP, also present. Court NOTED Mr. Swanis' office called and advised Mr. Swanis had been in a car accident. COURT ORDERED, Receiver's Motion for Final Order Finding and Declaring Nevada Health CO-OP to be Insolvent, Placing Nevada Health CO-OP into Liquidation and Granting Related Relief CONTINUED. CONTINUED TO: 9/20/16 9:00 AM CLERK'S NOTE: The above minute order has been distributed to: Eric Swanis, Esq. (swanise@gtlaw.com). /mlt;

09/26/2016

 **Decision (3:00 AM)** (Judicial Officer: Cory, Kenneth)

Court's Decision Re: Procedure and Notice

Decision Made;

Journal Entry Details:

The Court having reviewed the points and authorities submitted by counsel and exhibits in support thereof, and having heard arguments of counsel, COURT ORDERS, the following: (1) The proposed Proof of Claim (POC) process, including the POC form and instructions attached as Exhibit 3 to the Motion, is approved subject to the following additional conditions: (a) any claim will be deemed timely filed if sent by U.S. Mail and such claim is received within three (3) business days after the claims filing deadline; and (b) claims by e-mail will be allowed if the e-mail includes an executed and sworn POC, with all supporting documentation included therein submitted to the Receiver of NHC before the claims filing deadline. The proposed claims processing procedures described in the Motion are approved; (2) The proposed Receivership Appeal Procedure in the form attached as Exhibit 4 to the Motion is approved, and the Court finds that a receivership appeal procedure substantially in that form complies with applicable Nevada law, and is within the authority granted to the Receiver in the Permanent Receivership Order and based on the following: (a) the Receiver is authorized to conduct the business of the insurer and liquidate its affairs and assets under NRS 696B.290 (5); (b) all claims must be submitted to the Receiver and verified by affidavit with supporting documentation under NRS 696B.330 (1) and submitted before the claims filing deadline under NRS 696B.330 (2); and (c) all claims will be decided by the Receiver in accordance with NRS 696B.330 (3)-(6) and claimants will have rights of claim appeal and an opportunity to be heard under NRS 696B.330 (7)-(9); (3) The Mailing Notice (Exhibit 1), Newspaper and Website Publication Notice (Exhibit 2), POC Form and Accompanying Instructions (Exhibit 3), and Receivership Appeal Procedure (Exhibit 4) to the Receiver s Motion will be changed, as necessary, to conform to this Court s Order; and (4) The proposed notice procedures described in the Motion are approved, and the Court finds that notice procedures in the same or substantially similar form comply with the requirements of Nevada law and due process (including the forms of notice attached as Exhibits I and 2 to the Motion), with the following additional requirements imposed by the Court: a. In addition to publication in The Las Vegas Review Journal and the Reno Gazette Journal for at least once a week for two (2) consecutive weeks of notices, such notices will also be similarly published in a daily or weekly newspaper with the largest circulation in each county or city in Nevada for the same timeframe. Publication of such notices will begin within fifteen (15) business days after the Court enters this order; b. The Receiver will have a press release issued to those newspapers in which notices will be published so that newspapers are notified of the NHC liquidation, claims filing deadline, and right of interested parties to file claims before the claims filing deadline; and III c. If a daily or weekly newspaper is not published in a particular county, a radio notice will be placed and broadcast in that county for at least once a week between the hours of 8:00 a.m. to 5:00 p.m., PT, for two (2) consecutive weeks. The radio notices will notify interested parties of the NHC liquidation, claims filing deadline, and their right to file claims before the claims filing deadline. Radio notices will begin within fifteen (15) business days after the Court enters this order. Ms. Grigoriev to prepare the Order. ;

CASE SUMMARY

CASE NO. A-15-725244-C

01/10/2017



Motion (9:00 AM) (Judicial Officer: Cory, Kenneth)

Defendant's Motion to Approve Professional Fee Rates on an Order Shortening Time
Granted;

Journal Entry Details:

Following arguments by counsel, COURT ORDERED, Defendant's Motion to Approve Professional Fee Rates on OST GRANTED as follows: 1. The engagement of Greenberg, Traurig, L.L.P., Santoro Whitmire, Ltd., FTI Consulting, Inc., and DeVito Consulting, Inc. (Service Providers), 2. Approves, ratifies and confirms the professional rates for Service Providers, 3. Permits the Receiver to approve and pay invoices of the Service Providers as deemed necessary without subsequent application to the Court; and 4. Authorizes the Receiver to continue paying such hardship claims Receiver s discretion are deemed necessary and appropriate, as previously authorized by this Court in its February 25, 2016 Order. Ms. Grigoriev to prepare the Order.;

07/10/2017



Motion for Order (3:00 AM) (Judicial Officer: Cory, Kenneth)

Receiver's Motion for Order of Release of Special Deposit and all Accrued Interest Thereon to the Receiver
Granted;

Journal Entry Details:

COURT ORDERED, Receiver's Motion for Order of Release of Special Deposit and all Accrued Interest Thereon to the Receiver GRANTED. Mr. Ferrario to prepare the Order and distribute a copy to all parties. CLERK'S NOTE: The above minute order has been distributed to: Mark Ferrario, Esq. (ferrariom@gtlaw.com), Joanna Grigoriev, Esq. (jgrigoriev@ag.nv.gov), and Bryce Loveland, Esq. (bcloveland@bhfs.com). /mlt;

07/24/2017



Motion (3:00 AM) (Judicial Officer: Cory, Kenneth)

07/24/2017, 09/05/2017

Receiver's Motion for Instructions for ESI Protocol and Protective Order

Continued;

Granted;

Journal Entry Details:

Court NOTED no parties present. Court FURTHER NOTED Plaintiff had submitted the supplemental memorandum, which answered the Court's questions, therefore, COURT ORDERED, Receiver's Motion for Instructions for ESI Protocol and Protective Order GRANTED. Mr. Ferrario to prepare the Order. CLERK S NOTE: The above minute order has been distributed to: Mark Ferrario, Esq. (ferrariom@gtlaw.com), Eric Swans, Esq. (swanise@gtlaw.com) Joanna Grigoriev, Esq. (jgrigoriev@ag.nv.gov), and Bryce Loveland, Esq.(bcloveland@bhfs.com). /mlt;

Continued;

Granted;

Journal Entry Details:

COURT ORDERED, Receiver's Motion for Instructions for ESI Protocol and Protective Order CONTINUED to this Court's oral calendar. The Court needs the following information: Section XI of the Receiver s Protocol (Exhibit 1), specifically as to whether the Clawback Provision comports with state law and The meaning of the eighth category listed in Exhibit CONTINUED TO: 9/5/17 9:00 AM CLERK S NOTE: The above minute order has been distributed to: Mark Ferrario, Esq. (ferrariom@gtlaw.com), Eric Swans, Esq. (swanise@gtlaw.com) Joanna Grigoriev, Esq. (jgrigoriev@ag.nv.gov), and Bryce Loveland, Esq. (bcloveland@bhfs.com). /mlt ;

11/07/2017



Motion to Coordinate (9:00 AM) (Judicial Officer: Cory, Kenneth)

Plaintiff's Motion to Coordinate Cases

Denied Without Prejudice;

Journal Entry Details:

Russell Brown present via Court Call on behalf of Martha Hayes. Mr. Blankenship, Esq. present on behalf of Insure Monkey and Mr. Byrne, also present on behalf of Milliman. After reviewing the motion, opposition, and hearing from counsel; COURT ORDERED, Plaintiff's Motion to Coordinate Cases DENIED WITHOUT PREJUDICE. The Court recommends that counsel file a Request to Transfer to Business Court, in order to cause Business Court to consider transferring this matter to Business Court. CLERK'S NOTE: Minutes corrected to indicate the Court is recommending the matter transferred to business, not ordering it.

CASE SUMMARY

CASE NO. A-15-725244-C

CLERK'S NOTE: The above minute order has been distributed to: Donald Prunty, Esq. (pruntyd@gtlaw.com), Russell Brown, Esq. (brown@mmrs-law.com), Brian Blankenship, Esq. (brian@nvfirm.com), and Patrick Byrne, Esq. (pbyrne@swlaw.com). /mlt;

11/16/2017



Motion for Fees (3:00 AM) (Judicial Officer: Cory, Kenneth)

11/16/2017, 01/23/2018

Receiver's Motion to Approve Professional Fee Rates

Continued;

Matter Heard;

Journal Entry Details:

Special Deputy Receiver Mark Bennett, Esq. present. Court STATED it needs to know what the fees would be. Mr. Ferrario advised he does not have an accurate total to give the Court. Mr. Ferrario suggested doing a status report by April to inform the Court. Colloquy regarding the case.;

Continued;

Matter Heard;

Journal Entry Details:

COURT ORDERED, Receiver's Motion to Approve Professional Fee Rates CONTINUED for the court to inquire into the details of the consultant selected (e.g., Louisiana residency), the total expenditure anticipated, and other details] CONTINUED TO: 1/23/18 9:00 AM CLERK S NOTE: The above minute order has been distributed to: Mark Ferrario, Esq.

(ferrariom@gtlaw.com), Joanna Grigoriev, Esq. (jgrigoriev@ag.nv.gov), Eric Swanis, Esq. swanise@gtlaw.com) , Evan James, Esq. (elj@cjmlv.com), and Bryce Loveland, Esq. (bcloveland@bhfs.com). /mlt ;

08/15/2018



Motion for Order to Show Cause (9:00 AM) (Judicial Officer: Cory, Kenneth)

Plaintiff's Motion for Order to Show Cause on Order Shortening Time

Granted;

Journal Entry Details:

Court NOTED no opposition had been filed. Mr. Ferrario advised he has been trying to get records from one of the co-ops and has not received anything. Mr. Ferrario requested a Show Cause Hearing. COURT SO ORDERED. Mr. Ferrario to prepare the Order. 9/18/18 9:00 AM SHOW CAUSE HEARING;

10/23/2018



Show Cause Hearing (9:00 AM) (Judicial Officer: Cory, Kenneth)

10/23/2018, 11/13/2018, 03/13/2019

Plaintiff's Show Cause Hearing

Continued;

Continued;

Matter Heard;

Journal Entry Details:

Statements and arguments by counsel as to there disagreements as to discovery. Court DIRECTED counsel to meet and resolve the issues between the principals. If the issues are not resolved the matter is to be placed back on calendar and ALL THE PRINCIPALS MUST BE PRESENT. Mr. Ferrario stated he would contact the Court to reschedule if necessary.;

Continued;

Continued;

Matter Heard;

Journal Entry Details:

Prior to Court Mr. Swanis requested a continuance. NEW DATE GIVEN. CONTINUED TO: 11/27/18 9:00 AM;

Continued;

Continued;

Matter Heard;

Journal Entry Details:

Mr. Bedker requested a continuance as the parties have been cooperating and have provided documents to be reviewed. COURT SO ORDERED. CONTINUED TO: 11/13/18 9:00 AM;

03/21/2019








Motion to Seal/Redact Records (3:00 AM) (Judicial Officer: Cory, Kenneth)

Receiver's Motion to File Confession of Judgment Under Seal

CASE SUMMARY


CASE NO. A-15-725244-C

	<p>Granted; Journal Entry Details: <i>COURT ORDERED, Receiver's Motion to File Confession of Judgment Under Seal GRANTED. Receiver to prepare and file the Order. CLERK'S NOTE: A copy of this minute order was distributed via the E-Service list. / mlt;</i></p>
03/28/2019	<p> Motion for Determination of Good Faith Settlement (3:00 AM) (Judicial Officer: Cory, Kenneth)</p> <p><i>Plaintiff's Motion for Determination of Good Faith Settlement with Millennium Consulting Services, LLC on Order Shortening Time</i></p> <p>Granted; Journal Entry Details: <i>COURT ORDERS, Plaintiff's Motion for Determination of Good Faith Settlement with Millennium Consulting Services, LLC on Order Shortening Time GRANTED. Mr. Prunty to prepare the Order. CLERK'S NOTE: A copy of this minute order was distributed via the E-Service list. / mlt;</i></p>
06/19/2019	<p> Motion (9:00 AM) (Judicial Officer: Cory, Kenneth)</p> <p><i>Receiver's Motion to Approve Expert Witness Fee Rates on an Order Shortening Time</i></p> <p>Granted; Journal Entry Details: <i>Colloquy between Court and Mr. Swanis regarding expert qualifications and background. COURT ORDERED, Receiver's Motion to Approve Expert Witness Fee Rates on an Order Shortening Time GRANTED. Mr. Swanis to prepare the Order.;</i></p>
09/26/2019	<p> Motion for Determination of Good Faith Settlement (3:00 AM) (Judicial Officer: Cory, Kenneth)</p> <p>09/26/2019, 10/16/2019</p> <p><i>Plaintiff's Motion for Determination of Good Faith Sale of Interest in Receivables by Plaintiff, Order Approving Sale and Permitting Distribution of Certain Funds, on Order Shortening Time</i></p> <p>Continued; Granted; Journal Entry Details: <i>Following arguments by counsel, COURT ORDERED, Sale of Interest in Receivables by Plaintiff, Order Approving Sale and Permitting Distribution of Certain Funds, on Order Shortening Time GRANTED. ORDER SIGNED IN OPEN COURT.;</i></p> <p>Continued; Granted; Journal Entry Details: <i>COURT ORDERED, Motion for Determination of Good Faith Sale of Interest in Receivables by Plaintiff, Order Approving Sale and Permitting Distribution of Certain Funds, on Order Shortening Time CONTINUED to October 16, 2019 at 9:00 am for oral argument. Defendant NEVADA HEALTH CO-OP is to provide notice of this hearing to Creditor and Interested Party UNITE HERE HEALTH. CONTINUED TO: 10/16/19 9:00 AM CLERK'S NOTE: A copy of this minute order was distributed via the E-Service list. / mlt;</i></p>
12/12/2019	<p> Motion for Order (3:00 AM) (Judicial Officer: Cory, Kenneth)</p> <p><i>Motion for Order Authorizing Satisfaction of Hardship Claims</i></p> <p>Granted; Journal Entry Details: <i>COURT ORDERED, Motion for Order Authorizing Satisfaction of Hardship Claims GRANTED. Receiver to prepare the Order, distribute a copy to all parties, and submit to chambers within 10 days. COURT ORDERED, Plaintiff Motion to Amend Complaint GRANTED. Plaintiff to prepare the Order, distribute a copy to all parties, and submit to Chambers within 10 days. CLERK'S NOTE: A copy of this minute order was distributed via the E-Service list. / mlt ;</i></p>
11/04/2020	<p> Motion to Intervene (3:00 AM) (Judicial Officer: Cory, Kenneth)</p> <p><i>Silver State Health Insurance Exchange's Motion to Intervene</i></p> <p>Denied;</p>

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-15-725244-C

	<p>Journal Entry Details:</p> <p><i>COURT ORDERED, Silver State Health Insurance Exchange's Motion to Intervene DENIED. Silver State Health Insurance Exchange did not timely submit its proof of claim by the April 28, 2017 deadline. Silver State cannot bypass this deadline by filing this Motion to Intervene over three and a half years after it had passed. Mr. Prunty to prepare the Order, distribute a copy to all parties, and submit to Chambers within 10 days. All orders are to be submitted to DCIInbox@ClarkCountyCourts.us CLERK'S NOTE: A copy of this minute order was distributed via the E-Service list. / mlt ;</i></p>
12/15/2020	<p> Motion to Disqualify Attorney (9:00 AM) (Judicial Officer: Cory, Kenneth)</p> <p>12/15/2020-12/16/2020</p> <p><i>Unite Here Health and Nevada Health Solutions, LLC's Motion to: (1) Disqualify Greenberg Traurig, LLP as Counsel for the Statutory Receiver of Nevada Health Co-Op; and (2) Disgorge Attorney's Fees Paid by Nevada Health Co-Op to Greenberg Traurig, LLP</i></p> <p>Stip and Order filed on 10/22/20</p> <p>Continued;</p> <p>Denied;</p> <p>Journal Entry Details:</p> <p><i>COURT ORDERS, Unite Here Health and Nevada Health Solutions, LLC's Motion to: (1) Disqualify Greenberg Traurig, LLP as Counsel for the Statutory Receiver of Nevada Health Co-Op; and (2) Disgorge Attorney's Fees Paid by Nevada Health Co-Op to Greenberg Traurig, LLP DENIED. The Movants have not been able to point to any binding authority that mandates the Receiver and her counsel, Greenberg Traurig, disclose all possible conflicts to the Court. Because there is no explicit rule requiring disclosure, the Court cannot disqualify Greenberg Traurig on that basis. The Court also cannot find a clear and substantial enough possible conflict to justify disqualifying Greenberg Traurig as counsel in this Receivership matter. At this point, there are no related matters where the CO-OP is adverse to Xerox. If the Movants truly and reasonably believe that Xerox has some liability in those other related matters, the Movants are free to attempt to bring in Xerox as a Third Party Defendant and seek whatever relief they believe they are entitled to with the Judges overseeing those matters. This Court is not in the best position to determine whether there are conflicts in other suits. Mr. Ferrario to prepare the Order, distribute a copy to all parties, and submit to Chambers within 10 days. All orders are to be submitted to DCIInbox@ClarkCountyCourts.us CLERK'S NOTE: A copy of this minute order was distributed via the E-Service list. / mlt ;</i></p> <p>Stip and Order filed on 10/22/20</p> <p>Continued;</p> <p>Denied;</p> <p>Journal Entry Details:</p> <p><i>Appearances made via BlueJeans Videoconferencing Application. David Jimenez-Ekman, Esq. and Jim Tolpin, Esq. present on behalf of Greenberg Traurig, LLP. Mark Bennett, Special Deputy Receiver also present. Counsel advised there was no objection to Plaintiffs' Motion to Associate Counsel. COURT ORDERED, Motion GRANTED. Arguments by counsel as to conflict rules. COURT ORDERED, Unite Here Health and Nevada Health Solutions, LLC's Motion to: (1) Disqualify Greenberg Traurig, LLP as Counsel for the Statutory Receiver of Nevada Health Co-Op; and (2) Disgorge Attorney's Fees Paid by Nevada Health Co-Op to Greenberg Traurig, LLP CONTINUED FOR DECISION. CONTINUED TO: 12/16/20 CHAMBERS;</i></p>
01/07/2021	<p>CANCELED Motion to Associate Counsel (3:00 AM) (Judicial Officer: Cory, Kenneth)</p> <p><i>Vacated - Set in Error</i></p> <p><i>Motion to Associate Counsel</i></p>
01/07/2021	<p>CANCELED Motion to Associate Counsel (3:00 AM) (Judicial Officer: Cory, Kenneth)</p> <p><i>Vacated</i></p> <p><i>Plaintiffs' Motion to Associate Counsel</i></p>

DATE

FINANCIAL INFORMATION

Defendant Nevada Health CO-OP	
Total Charges	379.00
Total Payments and Credits	379.00
Balance Due as of 2/10/2021	0.00
Objector Unite Here Health	
Total Charges	24.00

CASE SUMMARY

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Total Payments and Credits	24.00
Balance Due as of 2/10/2021	0.00
Other Valley Health System	
Total Charges	223.00
Total Payments and Credits	223.00
Balance Due as of 2/10/2021	0.00
Other WellHealth Medical Associates, PLLC dba WellHealth Quality Care	
Total Charges	223.00
Total Payments and Credits	223.00
Balance Due as of 2/10/2021	0.00

DISTRICT COURT CIVIL COVER SHEET

A-15-725244-C

County, Nevada

I

Case No.

(Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone): State of Nevada, ex rel Commissioner of Insurance, i in her Official Capacity as Statutory Receiver for Delinquent Domestic Insurer	Defendant(s) (name/address/phone): Nevada Health CO-OP
Attorney (name/address/phone): Joanna N. Grigoriev, SDAG Office of the Attorney General 555 E. Washington Ave., #3900 Las Vegas, NV 89101 702-486-3101	Attorney (name/address/phone):

II. Nature of Controversy (please select the one most applicable filing type below)**Civil Case Filing Types**

Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate Probate (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		Other Civil Filing Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input checked="" type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

09/25/2015

Date

Signature of initiating party or representative

See other side for family-related case filings.

1 **ODM**

2 MARK E. FERRARIO, ESQ.

3 Nevada Bar No. 001625

4 ERIC W. SWANIS, ESQ.

5 Nevada Bar No. 006840

6 DONALD L. PRUNTY, ESQ.

7 Nevada Bar No. 008230

8 GREENBERG TRAUIG, LLP

9 10845 Griffith Peak Drive, Suite 600

10 Las Vegas, Nevada 89135

11 Telephone: (702) 792-3773

12 Facsimile: (702) 792-9002

13 Email: ferrariom@gtlaw.com

14 swanise@gtlaw.com

15 pruntyd@gtlaw.com

16 *Counsel for Plaintiff Barbara D. Richardson, Commissioner of*
17 *Insurance, as the Permanent Receiver for Nevada Health CO-OP*

18 **EIGHTH JUDICIAL DISTRICT COURT**

19 **CLARK COUNTY, NEVADA**

20 STATE OF NEVADA, EX REL.
21 COMMISSIONER OF INSURANCE, IN HER
22 OFFICIAL CAPACITY AS STATUTORY
23 RECEIVER FOR DELINQUENT DOMESTIC
24 INSURER,

25 Plaintiff,

26 v.

27 NEVADA HEALTH CO-OP,

28 Defendant.

CASE NO. A-15-725244-C
DEPARTMENT XXI

**ORDER DENYING MOTION TO
DISQUALIFY GREENBERG
TRAURIG, LLP AND TO DISGORGE
ATTORNEYS' FEES**

HEARING DATE: DECEMBER 15, 2020
HEARING TIME: 9:00 A.M.

29 Unite Here Health and Nevada Health Solutions, LLC's ("UHH") Motion to:
30 (1) Disqualify Greenberg Traurig, LLP as Counsel for the Statutory Receiver of the Nevada
31 Health CO-OP; and (2) Disgorge Attorneys' Fees Paid by Nevada Health CO-OP to
32 ///

Greenberg Traurig, LLP (the “Motion to Disqualify”) came before the Court on December 15, 2020.

APPEARANCES

The Parties appeared as follows:

- For UHH (the “Movants”): Dennis L. Kennedy, John R. Bailey, and Joseph A. Liebman of Bailey❖Kennedy, LLP.
- For Barbara D. Richardson as the Statutory Receiver (the “Receiver”) for Nevada Health CO-OP (the “CO-OP”): Mark E. Ferrario and Donald L. Prunty of Greenberg Traurig, LLP. Mark Bennett of Cantilo & Bennett (the Special Deputy Receiver) was also present.
- For Greenberg Traurig, LLP (“GT”): David Jimenez-Ekman of Jenner & Block, admitted *pro hac vice*. GT’s Assistant General Counsel Jim Tolpin was also present.

ORDER

The Court, having heard oral argument, having reviewed the papers, exhibits, and pleadings on file, and having fully considered the same, DENIES the Motion to Disqualify. The Movants have not been able to point to any binding authority that mandates the Receiver and her counsel, Greenberg Traurig, disclose all possible conflicts to the Court. Because there is no explicit rule requiring disclosure, the Court cannot disqualify Greenberg Traurig on that basis.

The Court also cannot find a clear and substantial enough possible conflict to justify disqualifying Greenberg Traurig as counsel in this Receivership matter. At this point, there are no related matters where the CO-OP is adverse to Xerox. If the Movants truly and reasonably believe that Xerox has some liability in those other related matters, the Movants are free to attempt to bring in Xerox as a third-party defendant and seek whatever relief they

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1 believe they are entitled to with the Judges overseeing those matters. This Court is not in the
2 best position to determine whether there are conflicts in other suits.

3 **IT IS SO ORDERED.**

4 Dated this 15th day of January, 2021

5 

6
7 C3A 821 DC49 841C
8 Tara Clark Newberry
9 District Court Judge

9 Respectfully submitted by:
10 GREENBERG TRAURIG, LLP

11 */s/ Donald L. Prunty*

12 MARK E. FERRARIO, ESQ.
13 ERIC W. SWANIS, ESQ.
14 DONALD L. PRUNTY, ESQ.
15 10845 Griffith Peak Drive
16 Suite 600
17 Las Vegas, Nevada 89135
18 *Counsel for Plaintiff*

17 **APPROVED as to form and content:**

18 BAILEY ♦ KENNEDY

19 */s/ John Bailey*

20 JOHN BAILEY, ESQ.
21 JOSEPH A. LIEBMAN, ESQ.
22 8984 Spanish Ridge Avenue
23 Las Vegas, Nevada 89148-1302
24 *Counsel for Defendants, Unite Here Health*
25 *and Nevada Health Solutions, LLC*

From: [John Bailey](#)
To: [Prunty, Donald L. \(Shld-LV-LT\)](#)
Cc: [Cowden, Tami D. \(OfCnsl-LV-LT\)](#); [Escobar-Gaddi, Evy \(Secy-LV-LT\)](#)
Subject: RE: Proposed Order Denying Motion to Disqualify
Date: Monday, January 11, 2021 11:23:32 AM
Attachments: [image001.png](#)
[20210111 ODM Order Denying Motion to Disqualify.pdf](#)

EXTERNAL TO GT

Don:

You are authorized to affix my signature to draft Order attached.

I don't believe the signature block for the Judge is consistent with the applicable Administrative Order (see AO 20-24). Please check.

Thanks. JRB

John R. Bailey
BAILEY KENNEDY, LLP
8984 Spanish Ridge Avenue
Las Vegas, Nevada 89148-1302
Phone: (702) 562-8820
Fax: (702) 562-8821
Direct Dial: (702) 851-0051
JBailey@BaileyKennedy.com

This e-mail message is a confidential communication from Bailey Kennedy, LLP and is intended only for the named recipient(s) above and may contain information that is a trade secret, proprietary, privileged or attorney work product. If you have received this message in error, or are not the named or intended recipient(s), please immediately notify the sender at 702-562-8820 and delete this e-mail message and any attachments from your workstation or network mail system.

From: PruntyD@gtlaw.com [mailto:PruntyD@gtlaw.com]
Sent: Monday, January 11, 2021 11:05 AM
To: John Bailey <JBailey@baileykennedy.com>
Cc: cwudent@gtlaw.com; escobargaddie@gtlaw.com
Subject: FW: Proposed Order Denying Motion to Disqualify

John

Although we completely disagree with your objections, we have redrafted the proposed order denying the motion to disqualify GT and disgorge attorneys' fees, using the original language of the minute order. If this new proposed order meets with your approval, please confirm that we may electronically sign your name to the proposed order where indicated.

Best,

Donald Prunty

Shareholder

Greenberg Traurig, LLP

10845 Griffith Peak Drive | Suite 600 | Las Vegas, NV 89135

T +1 702.938.6890

PruntyD@gtlaw.com | www.gtlaw.com | [View GT Biography](#)



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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA
4

5
6 State of Nevada, ex rel
Commissioner of Insurance,
7 Plaintiff(s)

CASE NO: A-15-725244-C

DEPT. NO. Department 21

8 vs.

9 Nevada Health CO-OP,
10 Defendant(s)
11

12 **AUTOMATED CERTIFICATE OF SERVICE**

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

16 Service Date: 1/15/2021

17 Kevin Sutehall ksutehall@foxrothschild.com

18 "Christopher Humes, Esq." . chumes@bhfs.com

19 6085 Joyce Heilich . heilichj@gtlaw.com

20 7132 Andrea Rosehill . rosehilla@gtlaw.com

21 Arati Bhattacharya . abhattacharya@cb-firm.com

22 Barry Sullivan . bsullivan@sacfirm.com

23 Bryce C. Loveland . bcloveland@bhfs.com

24 Ebony Davis . edavis@bhfs.com

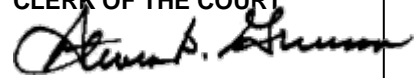
25 Eric W. Swanis . SwanisE@gtlaw.com

26 EWS Eric Swanis . swanise@gtlaw.com
27
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4	Joanna N. Grigoriev .	jgrigoriev@ag.nv.gov
5	Josh O. Lively .	jolively@cb-firm.com
6	Kristen W. Johnson .	kwjohnson@cb-firm.com
7	Leslie Stafford .	Leslie.Stafford@HHS.GOV
8	LVGTDocketing .	lvlitdock@gtlaw.com
9	Marilyn Millam .	mmillam@ag.nv.gov
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11	Patrick H. Cantilo .	phcantilo@cb-firm.com
12	Reception .	reception@sacfirm.com
13	Richard Paili Yien .	ryien@ag.nv.gov
14	Serena Orloff .	Serena.M.Orloff@usdoj.gov
15	Service .	Service@cb-firm.com
16	Terrance A. Mebane .	Terrance.A.Mebane@usdoj.gov
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18	John Bailey	jbailey@baileykennedy.com
19	Bailey Kennedy, LLP	bkfederaldownloads@baileykennedy.com
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22	Stephanie Bedker	bedkers@gtlaw.com
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Suzanna Bonham	SBonham@seyfarth.com
Evelyn Gaddi	escobargaddie@gtlaw.com
Joseph Liebman	jliebman@baileykennedy.com
Doreen Loffredo	dloffredo@foxrothschild.com
Shannon Fagin	sfagin@bckltd.com



1 **NEOJ**

2 MARK E. FERRARIO, ESQ.
3 Nevada Bar No. 001625

4 DONALD L. PRUNTY, ESQ.
5 Nevada Bar No. 008230

6 TAMI D. COWDEN, ESQ.
7 Nevada Bar No. 008994

8 GREENBERG TRAUIG, LLP
9 10845 Griffith Peak Drive, Suite 600

10 Las Vegas, Nevada 89135

11 Telephone: (702) 792-3773

12 Facsimile: (702) 792-9002

13 Email: ferrariom@gtlaw.com

14 pruntyd@gtlaw.com

15 cowdent@gtlaw.com

16 *Counsel for Plaintiff*

17
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EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA, EX REL.
COMMISSIONER OF INSURANCE,
BARBARA D. RICHARDSON, IN HER
OFFICIAL CAPACITY AS RECEIVER
FOR NEVADA HEALTH CO-OP,

Plaintiff,

v.

NEVADA HEALTH CO-OP,

Defendant.

CASE NO. A-15-725244-C
DEPARTMENT I

NOTICE OF ENTRY

[ORDER DENYING MOTION TO DISQUALIFY GREENBERG TRAUIG, LLP AND
TO DISGORGE ATTORNEYS' FEES]

///

///

NOTICE OF ENTRY

[ORDER DENYING MOTION TO DISQUALIFY GREENBERG TRAURIG, LLP AND
TO DISGORGE ATTORNEYS' FEES]

YOU AND EACH OF YOU, will please take notice that the **ORDER DENYING
MOTION TO DISQUALIFY GREENBERG TRAURIG, LLP AND DISGORGE
ATTORNEYS' FEES** was entered on the 15TH day of January 2021. A copy of said Order
is attached hereto as **Exhibit A**.

DATED this 15th day of January 2021.

GREENBERG TRAURIG, LLP

/s/ Donald L. Prunty

MARK E. FERRARIO, ESQ.

Nevada Bar No. 001625

DONALD L. PRUNTY, ESQ.

Nevada Bar No. 008230

TAMI D. COWDEN, ESQ.

Nevada Bar No. 008994

GREENBERG TRAURIG, LLP

10845 Griffith Peak Drive, Suite 600

Las Vegas, Nevada 89135

Telephone: (702) 792-3773

Facsimile: (702) 792-9002

Counsel for Plaintiff

CERTIFICATE OF SERVICE

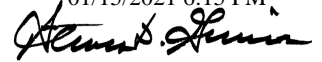
I HEREBY CERTIFY that, on the 15th day of January 2021, and pursuant to NEFCR 9, NRCR 5(b), and EDCR 7.26, a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER DENYING MOTION TO DISQUALIFY GREENBERG TRAURIG, LLP AND DISGORGE ATTORNEYS' FEES** was filed with the Clerk of the Court using the Odyssey eFileNV Electronic Service system and served on all parties with an email-address on record, pursuant to Administrative Order 14-2 and Rule 9 of the N.E.F.C.R.

The date and time of the electronic proof of service is in place of the date and place of deposit in the United States mail.

/s/ Evelyn Escobar-Gaddi
An employee of GREENBERG TRAURIG, LLP

EXHIBIT A

Order Denying Motion to Disqualify Greenberg
Traurig, LLP and to Disgorge Attorneys' Fees


CLERK OF THE COURT

ODM

MARK E. FERRARIO, ESQ.

Nevada Bar No. 001625

ERIC W. SWANIS, ESQ.

Nevada Bar No. 006840

DONALD L. PRUNTY, ESQ.

Nevada Bar No. 008230

GREENBERG TRAURIG, LLP

10845 Griffith Peak Drive, Suite 600

Las Vegas, Nevada 89135

Telephone: (702) 792-3773

Facsimile: (702) 792-9002

Email: ferrariom@gtlaw.com

swanise@gtlaw.com

pruntyd@gtlaw.com

*Counsel for Plaintiff Barbara D. Richardson, Commissioner of
Insurance, as the Permanent Receiver for Nevada Health CO-OP*

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA, EX REL.
COMMISSIONER OF INSURANCE, IN HER
OFFICIAL CAPACITY AS STATUTORY
RECEIVER FOR DELINQUENT DOMESTIC
INSURER,

Plaintiff,

v.

NEVADA HEALTH CO-OP,

Defendant.

CASE NO. A-15-725244-C
DEPARTMENT XXI

**ORDER DENYING MOTION TO
DISQUALIFY GREENBERG
TRAURIG, LLP AND TO DISGORGE
ATTORNEYS' FEES**

HEARING DATE: DECEMBER 15, 2020
HEARING TIME: 9:00 A.M.

Unite Here Health and Nevada Health Solutions, LLC's ("UHH") Motion to:
(1) Disqualify Greenberg Traurig, LLP as Counsel for the Statutory Receiver of the Nevada
Health CO-OP; and (2) Disgorge Attorneys' Fees Paid by Nevada Health CO-OP to
///

Greenberg Traurig, LLP (the “Motion to Disqualify”) came before the Court on December 15, 2020.

APPEARANCES

The Parties appeared as follows:

- For UHH (the “Movants”): Dennis L. Kennedy, John R. Bailey, and Joseph A. Liebman of Bailey❖Kennedy, LLP.
- For Barbara D. Richardson as the Statutory Receiver (the “Receiver”) for Nevada Health CO-OP (the “CO-OP”): Mark E. Ferrario and Donald L. Prunty of Greenberg Traurig, LLP. Mark Bennett of Cantilo & Bennett (the Special Deputy Receiver) was also present.
- For Greenberg Traurig, LLP (“GT”): David Jimenez-Ekman of Jenner & Block, admitted *pro hac vice*. GT’s Assistant General Counsel Jim Tolpin was also present.

ORDER

The Court, having heard oral argument, having reviewed the papers, exhibits, and pleadings on file, and having fully considered the same, DENIES the Motion to Disqualify. The Movants have not been able to point to any binding authority that mandates the Receiver and her counsel, Greenberg Traurig, disclose all possible conflicts to the Court. Because there is no explicit rule requiring disclosure, the Court cannot disqualify Greenberg Traurig on that basis.

The Court also cannot find a clear and substantial enough possible conflict to justify disqualifying Greenberg Traurig as counsel in this Receivership matter. At this point, there are no related matters where the CO-OP is adverse to Xerox. If the Movants truly and reasonably believe that Xerox has some liability in those other related matters, the Movants are free to attempt to bring in Xerox as a third-party defendant and seek whatever relief they

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1 believe they are entitled to with the Judges overseeing those matters. This Court is not in the
2 best position to determine whether there are conflicts in other suits.

3 **IT IS SO ORDERED.**

4 Dated this 15th day of January, 2021

5 

6
7 C3A 821 DC49 841C
8 Tara Clark Newberry
9 District Court Judge

9 Respectfully submitted by:
10 GREENBERG TRAURIG, LLP

11 */s/ Donald L. Prunty*

12 MARK E. FERRARIO, ESQ.
13 ERIC W. SWANIS, ESQ.
14 DONALD L. PRUNTY, ESQ.
15 10845 Griffith Peak Drive
16 Suite 600
17 Las Vegas, Nevada 89135
18 *Counsel for Plaintiff*

17 **APPROVED as to form and content:**

18 BAILEY ♦ KENNEDY

19 */s/ John Bailey*

20 JOHN BAILEY, ESQ.
21 JOSEPH A. LIEBMAN, ESQ.
22 8984 Spanish Ridge Avenue
23 Las Vegas, Nevada 89148-1302
24 *Counsel for Defendants, Unite Here Health*
25 *and Nevada Health Solutions, LLC*

From: [John Bailey](#)
To: [Prunty, Donald L. \(Shld-LV-LT\)](#)
Cc: [Cowden, Tami D. \(OfCnsl-LV-LT\)](#); [Escobar-Gaddi, Evy \(Secy-LV-LT\)](#)
Subject: RE: Proposed Order Denying Motion to Disqualify
Date: Monday, January 11, 2021 11:23:32 AM
Attachments: [image001.png](#)
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EXTERNAL TO GT

Don:

You are authorized to affix my signature to draft Order attached.

I don't believe the signature block for the Judge is consistent with the applicable Administrative Order (see AO 20-24). Please check.

Thanks. JRB

John R. Bailey
BAILEY KENNEDY, LLP
8984 Spanish Ridge Avenue
Las Vegas, Nevada 89148-1302
Phone: (702) 562-8820
Fax: (702) 562-8821
Direct Dial: (702) 851-0051
JBailey@BaileyKennedy.com

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From: PruntyD@gtlaw.com [mailto:PruntyD@gtlaw.com]
Sent: Monday, January 11, 2021 11:05 AM
To: John Bailey <JBailey@baileykennedy.com>
Cc: cwudent@gtlaw.com; escobargaddie@gtlaw.com
Subject: FW: Proposed Order Denying Motion to Disqualify

John

Although we completely disagree with your objections, we have redrafted the proposed order denying the motion to disqualify GT and disgorge attorneys' fees, using the original language of the minute order. If this new proposed order meets with your approval, please confirm that we may electronically sign your name to the proposed order where indicated.

Best,

Donald Prunty

Shareholder

Greenberg Traurig, LLP

10845 Griffith Peak Drive | Suite 600 | Las Vegas, NV 89135

T +1 702.938.6890

PruntyD@gtlaw.com | www.gtlaw.com | [View GT Biography](#)



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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 State of Nevada, ex rel
7 Commissioner of Insurance,
8 Plaintiff(s)

CASE NO: A-15-725244-C

DEPT. NO. Department 21

9 vs.

10 Nevada Health CO-OP,
11 Defendant(s)

12 **AUTOMATED CERTIFICATE OF SERVICE**

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

16 Service Date: 1/15/2021

17 Kevin Sutehall ksutehall@foxrothschild.com

18 "Christopher Humes, Esq." . chumes@bhfs.com

19 6085 Joyce Heilich . heilichj@gtlaw.com

20 7132 Andrea Rosehill . rosehilla@gtlaw.com

21 Arati Bhattacharya . abhattacharya@cb-firm.com

22 Barry Sullivan . bsullivan@sacfirm.com

23 Bryce C. Loveland . bcloveland@bhfs.com

24 Ebony Davis . edavis@bhfs.com

25 Eric W. Swanis . SwanisE@gtlaw.com

26 EWS Eric Swanis . swanise@gtlaw.com

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2	IOM Mark Ferrario .	lvlitdock@gtlaw.com
3	Joanna Grigoriev .	jgrigoriev@ag.nv.gov
4	Joanna N. Grigoriev .	jgrigoriev@ag.nv.gov
5	Josh O. Lively .	jolively@cb-firm.com
6	Kristen W. Johnson .	kwjohnson@cb-firm.com
7	Leslie Stafford .	Leslie.Stafford@HHS.GOV
8	LVGTDocketing .	lvlitdock@gtlaw.com
9	Marilyn Millam .	mmillam@ag.nv.gov
10	Mark F. Bennett .	mfbenett@cb-firm.com
11	Patrick H. Cantilo .	phcantilo@cb-firm.com
12	Reception .	reception@sacfirm.com
13	Richard Paili Yien .	ryien@ag.nv.gov
14	Serena Orloff .	Serena.M.Orloff@usdoj.gov
15	Service .	Service@cb-firm.com
16	Terrance A. Mebane .	Terrance.A.Mebane@usdoj.gov
17	Dennis Kennedy	dkennedy@baileykennedy.com
18	John Bailey	jbailey@baileykennedy.com
19	Bailey Kennedy, LLP	bkfederaldownloads@baileykennedy.com
20	Michele Caro	mcaro@ag.nv.gov
21	Julie Sanpei	jsanpei@bckltd.com
22	Stephanie Bedker	bedkers@gtlaw.com
23	Donald Prunty	pruntyd@gtlaw.com
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Joseph Liebman	jliebman@baileykennedy.com
Doreen Loffredo	dloffredo@foxrothschild.com
Shannon Fagin	sfagin@bckltd.com

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

January 19, 2016

A-15-725244-C State of Nevada, ex rel Commissioner of Insurance, Plaintiff(s)
vs.
Nevada Health CO-OP, Defendant(s)

January 19, 2016 3:00 AM Motion

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Motion having been duly filed and served, no opposition having been filed, pursuant to EDCR 2.20 and for good cause shown, COURT ORDERED, Receiver Amy L. Parks' Motion to Approve Professional Fee Rates GRANTED. Ms. Grigoriev to prepare the Order.

CLERK'S NOTE: The above minute order has been distributed to: Joanna Grigoriev, Esq. and Bryce Loveland, Esq. via e-mail. /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

February 24, 2016

A-15-725244-C State of Nevada, ex rel Commissioner of Insurance, Plaintiff(s)
vs.
Nevada Health CO-OP, Defendant(s)

February 24, 2016 9:00 AM Motion for Order

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Yien, Richard P. Attorney

JOURNAL ENTRIES

- Mr. Michael Bennett, Esq. present on behalf of Defendant. Ms. Yien advised no opposition has been filed. COURT ORDERED, Receiver's First Motion for Order Authorizing Payments GRANTED. ORDER SIGNED IN OPEN COURT.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

August 31, 2016

A-15-725244-C State of Nevada, ex rel Commissioner of Insurance, Plaintiff(s)
vs.
Nevada Health CO-OP, Defendant(s)

August 31, 2016 9:00 AM Motion

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Grigoriev, Joanna N. Attorney

JOURNAL ENTRIES

- Mark Bennett, Representative for Nevada Health CO-OP, also present.

Court NOTED Mr. Swanis' office called and advised Mr. Swanis had been in a car accident. COURT ORDERED, Receiver's Motion for Final Order Finding and Declaring Nevada Health CO-OP to be Insolvent, Placing Nevada Health CO-OP into Liquidation and Granting Related Relief CONTINUED.

CONTINUED TO: 9/20/16 9:00 AM

CLERK'S NOTE: The above minute order has been distributed to: Eric Swanis, Esq.
(swanise@gtlaw.com). /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

September 20, 2016

A-15-725244-C State of Nevada, ex rel Commissioner of Insurance, Plaintiff(s)
vs.
Nevada Health CO-OP, Defendant(s)

September 20, 2016 9:00 AM Motion

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Grigoriev, Joanna N. Attorney
Swanis, Eric W. Attorney

JOURNAL ENTRIES

- Ms. Grigoriev advised she believes the issues have been resolved with Valley Health System. Ms. Grigoriev argued NRS 696(b).110. Mr. Swanis advised he has had conversations with counsel and based on representations they are not contesting, just asking the case not be closed out; there are certain sensitive issues. Ms. Grigoriev requested a finding of insolvency out of liquidation. The notice procedures would be approved by the Court with some small changes and order approving the claims process. The changes would be claim deadline being to March. Statements by the Court as to leaving the order open and the Receiver will seek to publish in as many papers as possible. Ms. Grigoriev suggested publishing in the main newspaper in each County; gave summary of previous notice. Court STATED it would be wise to give notice in all Counties either by publication, media, or press release to let the general public have the chance to file a claim. Ms. Grigoriev advised she would submit an order. Ms. Grigoriev listed the changes regarding the claim filing deadline being updated and the e-mail submission being remove. Court STATED its concerns as to removing the e-mail submission and would prefer it be allowed and ALL publications reference the website. Ms. Grigoriev further advised the there would no longer be a five (5) day grace period for claims submitted by mail. Court instructed Ms. Grigoriev to include a three day grace period for filing by mail. Colloquy regarding statute as to proof of claims. COURT ORDERED, Receiver's Motion for Final Order Finding and Declaring Nevada Health CO-OP to be Insolvent, Placing Nevada Health

CO-OP into Liquidation and Granting Related Relief GRANTED AS TO INSOLVENT and CONTINUED the remaining to this Court's Chamber Calendar for Decision.

CONTINUED TO: 9/26/16

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

September 26, 2016

A-15-725244-C	State of Nevada, ex rel Commissioner of Insurance, Plaintiff(s) vs. Nevada Health CO-OP, Defendant(s)
---------------	-------------------------------------------------------------------------------------------------------------

September 26, 2016 3:00 AM Decision

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Court having reviewed the points and authorities submitted by counsel and exhibits in support thereof, and having heard arguments of counsel, COURT ORDERS, the following:

(1) The proposed Proof of Claim (POC) process, including the POC form and instructions attached as Exhibit 3 to the Motion, is approved subject to the following additional conditions: (a) any claim will be deemed timely filed if sent by U.S. Mail and such claim is received within three (3) business days after the claims filing deadline; and (b) claims by e-mail will be allowed if the e-mail includes an executed and sworn POC, with all supporting documentation included therein submitted to the Receiver of NHC before the claims filing deadline. The proposed claims processing procedures described in the Motion are approved;

(2) The proposed Receivership Appeal Procedure in the form attached as Exhibit 4 to the Motion is approved, and the Court finds that a receivership appeal procedure substantially in that form complies with applicable Nevada law, and is within the authority granted to the Receiver in the Permanent Receivership Order and based on the following: (a) the Receiver is authorized to conduct the business of the insurer and liquidate its affairs and assets under NRS 696B.290 (5); (b) all claims must be submitted to the Receiver and verified by affidavit with supporting documentation under

NRS

696B.330 (1) and submitted before the claims filing deadline under NRS 696B.330 (2); and (c) all claims will be decided by the Receiver in accordance with NRS 696B.330 (3)-(6) and claimants will have rights of claim appeal and an opportunity to be heard under NRS 696B.330 (7)-(9);

(3) The Mailing Notice (Exhibit 1), Newspaper and Website Publication Notice (Exhibit 2), POC Form and Accompanying Instructions (Exhibit 3), and Receivership Appeal Procedure (Exhibit 4) to the Receiver's Motion will be changed, as necessary, to conform to this Court's Order; and

(4) The proposed notice procedures described in the Motion are approved, and the Court finds that notice procedures in the same or substantially similar form comply with the requirements of Nevada law and due process (including the forms of notice attached as Exhibits I and 2 to the Motion), with the following additional requirements imposed by the Court:

a. In addition to publication in The Las Vegas Review Journal and the Reno Gazette Journal for at least once a week for two (2) consecutive weeks of notices, such notices will also be similarly published in a daily or weekly newspaper with the largest circulation in each county or city in Nevada for the same timeframe. Publication of such notices will begin within fifteen (15) business days after the Court enters this order;

b. The Receiver will have a press release issued to those newspapers in which notices will be published so that newspapers are notified of the NHC liquidation, claims filing deadline, and right of interested parties to file claims before the claims filing deadline; and III

c. If a daily or weekly newspaper is not published in a particular county, a radio notice will be placed and broadcast in that county for at least once a week between the hours of 8:00 a.m. to 5:00 p.m., PT, for two (2) consecutive weeks. The radio notices will notify interested parties of the NHC liquidation, claims filing deadline, and their right to file claims before the claims filing deadline. Radio notices will begin within fifteen (15) business days after the Court enters this order.

Ms. Grigoriev to prepare the Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

January 10, 2017

A-15-725244-C	State of Nevada, ex rel Commissioner of Insurance, Plaintiff(s) vs. Nevada Health CO-OP, Defendant(s)
---------------	-------------------------------------------------------------------------------------------------------------

January 10, 2017 9:00 AM Motion

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Ferrario, Mark E., ESQ	Attorney
	Grigoriev, Joanna N.	Attorney
	Whitmire III, James E.	Attorney

JOURNAL ENTRIES

- Following arguments by counsel, COURT ORDERED, Defendant's Motion to Approve Professional Fee Rates on OST GRANTED as follows:

1. The engagement of Greenberg, Traurig, L.L.P., Santoro Whitmire, Ltd., FTI Consulting, Inc., and DeVito Consulting, Inc. (Service Providers),
2. Approves, ratifies and confirms the professional rates for Service Providers,
3. Permits the Receiver to approve and pay invoices of the Service Providers as deemed necessary without subsequent application to the Court; and
4. Authorizes the Receiver to continue paying such hardship claims Receiver s discretion are deemed necessary and appropriate, as previously authorized by this Court in its February 25, 2016 Order.

Ms. Grigoriev to prepare the Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

July 10, 2017

A-15-725244-C State of Nevada, ex rel Commissioner of Insurance, Plaintiff(s)
vs.
Nevada Health CO-OP, Defendant(s)

July 10, 2017 3:00 AM Motion for Order

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, Receiver's Motion for Order of Release of Special Deposit and all Accrued Interest Thereon to the Receiver GRANTED. Mr. Ferrario to prepare the Order and distribute a copy to all parties.

CLERK'S NOTE: The above minute order has been distributed to: Mark Ferrario, Esq. (ferrariom@gtlaw.com), Joanna Grigoriev, Esq. (jgrigoriev@ag.nv.gov), and Bryce Loveland, Esq. (bcloveland@bhfs.com). /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

July 24, 2017

A-15-725244-C State of Nevada, ex rel Commissioner of Insurance, Plaintiff(s)
vs.
Nevada Health CO-OP, Defendant(s)

July 24, 2017

3:00 AM

Motion

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- COURT ORDERED, Receiver's Motion for Instructions for ESI Protocol and Protective Order CONTINUED to this Court's oral calendar. The Court needs the following information:

Section XI of the Receiver s Protocol (Exhibit 1), specifically as to whether the Clawback Provision comports with state law and

The meaning of the eighth category listed in Exhibit

CONTINUED TO: 9/5/17 9:00 AM

CLERK S NOTE: The above minute order has been distributed to: Mark Ferrario, Esq. (ferrariom@gtlaw.com), Eric Swanis, Esq. (swanise@gtlaw.com) Joanna Grigoriev, Esq. (jgrigoriev@ag.nv.gov), and Bryce Loveland, Esq. (bcloveland@bhfs.com). /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

September 05, 2017

A-15-725244-C State of Nevada, ex rel Commissioner of Insurance, Plaintiff(s)
vs.
Nevada Health CO-OP, Defendant(s)

September 05, 2017 9:00 AM Motion

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Court NOTED no parties present. Court FURTHER NOTED Plaintiff had submitted the supplemental memorandum, which answered the Court's questions, therefore, COURT ORDERED, Receiver's Motion for Instructions for ESI Protocol and Protective Order GRANTED. Mr. Ferrario to prepare the Order.

CLERK S NOTE: The above minute order has been distributed to: Mark Ferrario, Esq. (ferrariom@gtlaw.com), Eric Swanis, Esq. (swanise@gtlaw.com) Joanna Grigoriev, Esq. (jgrigoriev@ag.nv.gov), and Bryce Loveland, Esq.(bcloveland@bhfs.com). /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

November 07, 2017

A-15-725244-C State of Nevada, ex rel Commissioner of Insurance, Plaintiff(s)
vs.
Nevada Health CO-OP, Defendant(s)

November 07, 2017 9:00 AM Motion to Coordinate

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: James, Evan L. Attorney
Prunty, Donald L. Attorney

JOURNAL ENTRIES

- Russell Brown present via Court Call on behalf of Martha Hayes. Mr. Blankenship, Esq. present on behalf of Insure Monkey and Mr. Byrne, also present on behalf of Milliman.

After reviewing the motion, opposition, and hearing from counsel; COURT ORDERED, Plaintiff's Motion to Coordinate Cases DENIED WITHOUT PREJUDICE. The Court recommends that counsel file a Request to Transfer to Business Court, in order to cause Business Court to consider transferring this matter to Business Court.

CLERK'S NOTE: Minutes corrected to indicate the Court is recommending the matter transferred to business, not ordering it.

CLERK'S NOTE: The above minute order has been distributed to: Donald Prunty, Esq. (pruntyd@gtlaw.com), Russell Brown, Esq. (brown@mmrs-law.com), Brian Blankenship, Esq. (brian@nvfirm.com), and Patrick Byrne, Esq. (pbyrne@swlaw.com). /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

November 16, 2017

A-15-725244-C State of Nevada, ex rel Commissioner of Insurance, Plaintiff(s)
vs.
Nevada Health CO-OP, Defendant(s)

November 16, 2017 3:00 AM Motion for Fees

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, Receiver's Motion to Approve Professional Fee Rates CONTINUED for the court to inquire into the details of the consultant selected (e.g., Louisiana residency), the total expenditure anticipated, and other details]

CONTINUED TO: 1/23/18 9:00 AM

CLERK S NOTE: The above minute order has been distributed to: Mark Ferrario, Esq. (ferrariom@gtlaw.com), Joanna Grigoriev, Esq. (jgrigoriev@ag.nv.gov), Eric Swanis, Esq. swanise@gtlaw.com) , Evan James, Esq. (elj@cjmlv.com), and Bryce Loveland, Esq. (bcloveland@bhfs.com). /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

January 23, 2018

A-15-725244-C State of Nevada, ex rel Commissioner of Insurance, Plaintiff(s)
vs.
Nevada Health CO-OP, Defendant(s)

January 23, 2018 9:00 AM Motion for Fees

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Ferrario, Mark E., ESQ Attorney
Prunty, Donald L. Attorney

JOURNAL ENTRIES

- Special Deputy Receiver Mark Bennett, Esq. present.

Court STATED it needs to know what the fees would be. Mr. Ferrario advised he does not have an accurate total to give the Court. Mr. Ferrario suggested doing a status report by April to inform the Court. Colloquy regarding the case.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

August 15, 2018

A-15-725244-C State of Nevada, ex rel Commissioner of Insurance, Plaintiff(s)
vs.
Nevada Health CO-OP, Defendant(s)

**August 15, 2018 9:00 AM Motion for Order to Show
Cause**

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Ferrario, Mark E., ESQ Attorney

JOURNAL ENTRIES

- Court NOTED no opposition had been filed. Mr. Ferrario advised he has been trying to get records from one of the co-ops and has not received anything. Mr. Ferrario requested a Show Cause Hearing. COURT SO ORDERED. Mr. Ferrario to prepare the Order.

9/18/18 9:00 AM SHOW CAUSE HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

October 23, 2018

A-15-725244-C State of Nevada, ex rel Commissioner of Insurance, Plaintiff(s)
vs.
Nevada Health CO-OP, Defendant(s)

October 23, 2018 9:00 AM Show Cause Hearing

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Bedker, Stephanie Attorney

JOURNAL ENTRIES

- Mr. Bedker requested a continuance as the parties have been cooperating and have provided documents to be reviewed. COURT SO ORDERED.

CONTINUED TO: 11/13/18 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

November 13, 2018

A-15-725244-C State of Nevada, ex rel Commissioner of Insurance, Plaintiff(s)
vs.
Nevada Health CO-OP, Defendant(s)

November 13, 2018 9:00 AM Show Cause Hearing

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Swanis, Eric W. Attorney

JOURNAL ENTRIES

- Prior to Court Mr. Swanis requested a continuance. NEW DATE GIVEN.

CONTINUED TO: 11/27/18 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

March 13, 2019

A-15-725244-C State of Nevada, ex rel Commissioner of Insurance, Plaintiff(s)
vs.
Nevada Health CO-OP, Defendant(s)

March 13, 2019 9:00 AM Show Cause Hearing

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Cook, Marc P Attorney
 Ferrario, Mark E., ESQ Attorney

JOURNAL ENTRIES

- Statements and arguments by counsel as to there disagreements as to discovery. Court DIRECTED counsel to meet and resolve the issues between the principals. If the issues are not resolved the matter is to be placed back on calendar and ALL THE PRINCIPALS MUST BE PRESENT. Mr. Ferrario stated he would contact the Court to reschedule if necessary.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

March 21, 2019

A-15-725244-C State of Nevada, ex rel Commissioner of Insurance, Plaintiff(s)
vs.
Nevada Health CO-OP, Defendant(s)

**March 21, 2019 3:00 AM Motion to Seal/Redact
Records**

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, Receiver's Motion to File Confession of Judgment Under Seal GRANTED.
Receiver to prepare and file the Order.

CLERK'S NOTE: A copy of this minute order was distributed via the E-Service list. / mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

March 28, 2019

A-15-725244-C State of Nevada, ex rel Commissioner of Insurance, Plaintiff(s)
vs.
Nevada Health CO-OP, Defendant(s)

**March 28, 2019 3:00 AM Motion for Determination
of Good Faith Settlement**

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERS, Plaintiff's Motion for Determination of Good Faith Settlement with Millennium Consulting Services, LLC on Order Shortening Time GRANTED. Mr. Prunty to prepare the Order.

CLERK'S NOTE: A copy of this minute order was distributed via the E-Service list. / mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

June 19, 2019

A-15-725244-C State of Nevada, ex rel Commissioner of Insurance, Plaintiff(s)
vs.
Nevada Health CO-OP, Defendant(s)

June 19, 2019

9:00 AM

Motion

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Swanis, Eric W.

Attorney

JOURNAL ENTRIES

- Colloquy between Court and Mr. Swanis regarding expert qualifications and background. COURT ORDERED, Receiver's Motion to Approve Expert Witness Fee Rates on an Order Shortening Time GRANTED. Mr. Swanis to prepare the Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

September 26, 2019

A-15-725244-C State of Nevada, ex rel Commissioner of Insurance, Plaintiff(s)
vs.
Nevada Health CO-OP, Defendant(s)

**September 26, 2019 3:00 AM Motion for Determination
of Good Faith Settlement**

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- COURT ORDERED, Motion for Determination of Good Faith Sale of Interest in Receivables by Plaintiff, Order Approving Sale and Permitting Distribution of Certain Funds, on Order Shortening Time CONTINUED to October 16, 2019 at 9:00 am for oral argument. Defendant NEVADA HEALTH CO-OP is to provide notice of this hearing to Creditor and Interested Party UNITE HERE HEALTH.

CONTINUED TO: 10/16/19 9:00 AM

CLERK'S NOTE: A copy of this minute order was distributed via the E-Service list. / mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

October 16, 2019

A-15-725244-C State of Nevada, ex rel Commissioner of Insurance, Plaintiff(s)
vs.
Nevada Health CO-OP, Defendant(s)

**October 16, 2019 9:00 AM Motion for Determination
of Good Faith Settlement**

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Ferrario, Mark E., ESQ Attorney
Liebman, Joseph A. Attorney
Prunty, Donald L. Attorney

JOURNAL ENTRIES

- Following arguments by counsel, COURT ORDERED, Sale of Interest in Receivables by Plaintiff, Order Approving Sale and Permitting Distribution of Certain Funds, on Order Shortening Time GRANTED. ORDER SIGNED IN OPEN COURT.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

December 12, 2019

A-15-725244-C State of Nevada, ex rel Commissioner of Insurance, Plaintiff(s)
vs.
Nevada Health CO-OP, Defendant(s)

December 12, 2019 3:00 AM Motion for Order

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, Motion for Order Authorizing Satisfaction of Hardship Claims GRANTED. Receiver to prepare the Order, distribute a copy to all parties, and submit to chambers within 10 days.

COURT ORDERED, Plaintiff Motion to Amend Complaint GRANTED. Plaintiff to prepare the Order, distribute a copy to all parties, and submit to Chambers within 10 days.

CLERK'S NOTE: A copy of this minute order was distributed via the E-Service list. / mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

November 04, 2020

A-15-725244-C State of Nevada, ex rel Commissioner of Insurance, Plaintiff(s)
vs.
Nevada Health CO-OP, Defendant(s)

November 04, 2020 3:00 AM Motion to Intervene

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, Silver State Health Insurance Exchange's Motion to Intervene DENIED. Silver State Health Insurance Exchange did not timely submit its proof of claim by the April 28, 2017 deadline. Silver State cannot bypass this deadline by filing this Motion to Intervene over three and a half years after it had passed.

Mr. Prunty to prepare the Order, distribute a copy to all parties, and submit to Chambers within 10 days. All orders are to be submitted to DC1Inbox@ClarkCountyCourts.us

CLERK'S NOTE: A copy of this minute order was distributed via the E-Service list. / mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

December 15, 2020

A-15-725244-C State of Nevada, ex rel Commissioner of Insurance, Plaintiff(s)
vs.
Nevada Health CO-OP, Defendant(s)

**December 15, 2020 9:00 AM Motion to Disqualify
Attorney**

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Bailey, John R Attorney
 Ferrario, Mark E., ESQ Attorney
 Kennedy, Dennis L. Attorney
 Liebman, Joseph A. Attorney
 Prunty, Donald L. Attorney

JOURNAL ENTRIES

- Appearances made via BlueJeans Videoconferencing Application. David Jimenez-Ekman, Esq. and Jim Tolpin, Esq. present on behalf of Greenberg Traurig, LLP. Mark Bennett, Special Deputy Receiver also present.

Counsel advised there was no objection to Plaintiffs' Motion to Associate Counsel. COURT ORDERED, Motion GRANTED.

Arguments by counsel as to conflict rules. COURT ORDERED, Unite Here Health and Nevada Health Solutions, LLC's Motion to: (1) Disqualify Greenberg Traurig, LLP as Counsel for the Statutory Receiver of Nevada Health Co-Op; and (2) Disgorge Attorney's Fees Paid by Nevada Health Co-Op to Greenberg Traurig, LLP CONTINUED FOR DECISION.

CONTINUED TO: 12/16/20 CHAMBERS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

December 16, 2020

A-15-725244-C State of Nevada, ex rel Commissioner of Insurance, Plaintiff(s)
vs.
Nevada Health CO-OP, Defendant(s)

**December 16, 2020 3:00 AM Motion to Disqualify
Attorney**

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERS, Unite Here Health and Nevada Health Solutions, LLC's Motion to: (1) Disqualify Greenberg Traurig, LLP as Counsel for the Statutory Receiver of Nevada Health Co-Op; and (2) Disgorge Attorney's Fees Paid by Nevada Health Co-Op to Greenberg Traurig, LLP DENIED. The Movants have not been able to point to any binding authority that mandates the Receiver and her counsel, Greenberg Traurig, disclose all possible conflicts to the Court. Because there is no explicit rule requiring disclosure, the Court cannot disqualify Greenberg Traurig on that basis.

The Court also cannot find a clear and substantial enough possible conflict to justify disqualifying Greenberg Traurig as counsel in this Receivership matter. At this point, there are no related matters where the CO-OP is adverse to Xerox. If the Movants truly and reasonably believe that Xerox has some liability in those other related matters, the Movants are free to attempt to bring in Xerox as a Third Party Defendant and seek whatever relief they believe they are entitled to with the Judges overseeing those matters. This Court is not in the best position to determine whether there are conflicts in other suits.

Mr. Ferrario to prepare the Order, distribute a copy to all parties, and submit to Chambers within 10 days. All orders are to be submitted to DC1Inbox@ClarkCountyCourts.us

CLERK'S NOTE: A copy of this minute order was distributed via the E-Service list. / mlt



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

JOHN R. BAILEY
8984 SPANISH RIDGE AVE.
LAS VEGAS, NV 89148-1302

DATE: February 10, 2021
CASE: A-15-725244-C

RE CASE: STATE OF NEVADA, EX REL. COMMISSIONER OF INSURANCE, IN HER OFFICIAL CAPACITY
AS STATUTORY RECEIVER FOR DELINQUENT DOMESTIC INSURER vs. NEVADA HEALTH CO-OP

NOTICE OF APPEAL FILED: February 8, 2021

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
 - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

*****Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.***

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING MOTION TO DISQUALIFY GREENBERG TRAUIG, LLP AND TO DISGORG ATTORNEYS' FEES; NOTICE OF ENTRY [ORDER DENYING MOTION TO DISQUALIFY GREENBERG TRAUIG, LLP AND TO DISGORG ATTORNEYS' FEES]; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

STATE OF NEVADA, EX REL.
COMMISSIONER OF INSURANCE, IN HER
OFFICIAL CAPACITY AS STATUTORY
RECEIVER FOR DELINQUENT DOMESTIC
INSURER,

Plaintiff(s),

vs.

NEVADA HEALTH CO-OP,

Defendant(s),

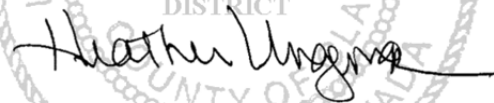
Case No: A-15-725244-C

Dept No: XXI

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 10 day of February 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk