

IN THE SUPREME COURT OF NEVADA

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UNITE HERE HEALTH, a multi-employer health and welfare plan, as defined in ERISA Section 3(37); and NEVADA HEALTH SOLUTIONS, LLC, a Nevada limited liability company,

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Elizabeth A. Brown  
Clerk of Supreme Court

Appellants,

vs.

STATE OF NEVADA EX REL. COMMISSIONER OF INSURANCE,  
BARBARA D. RICHARDSON, IN HER OFFICIAL CAPACITY AS  
STATUTORY RECEIVER FOR DELINQUENT DOMESTIC INSURER,  
NEVADA HEALTH CO-OP; and GREENBERG TRAURIG, LLP,

Respondents.

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District Court Case No. A-15-725244-C, Department XXI

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**APPELLANTS' APPENDIX - VOLUME 13 OF 13**

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**June 14, 2021**

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**APPELLANTS' APPENDIX - VOLUME 13 OF 13**

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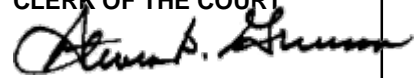
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**TAB 51**

**TAB 51**



1 **SR**

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17 **IN THE EIGHTH JUDICIAL DISTRICT COURT**  
18 **CLARK COUNTY, NEVADA**

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

24 Plaintiff, )

25 vs. )

26 NEVADA HEALTH CO-OP, )

27 Defendant. )  
28 )  
29 )  
30 )

Case No. A-15-725244-C  
Department 21

**TWENTY-FIRST STATUS REPORT**

COME NOW, Commissioner of Insurance Barbara D. Richardson in her capacity as Receiver of Nevada Health CO-OP (“NHC,” or the “CO-OP”), and CANTILO & BENNETT, L.L.P., Special Deputy Receiver (“SDR” - SDR and the Commissioner as Receiver are referred



1 to collectively herein as “Receiver”) and file this Twenty-First Status Report in the above-  
2 captioned receivership.

### 3 **I. INTRODUCTION AND HISTORICAL BACKGROUND**

4 The CO-OP is a state-licensed health insurer, formed in 2012 as a Health Maintenance  
5 Organization, with a Certificate of Authority granted by the State of Nevada Division of  
6 Insurance effective January 2, 2013. NHC was an Internal Revenue Code 501(c)(29) Qualified  
7 Non-Profit Health Insurance Issuer, entitled to tax exemption by the Internal Revenue Service.  
8 NHC was formed under a provision of the Patient Protection and Affordable Care Act (“ACA”)   
9 providing for the formation of Consumer Operated and Oriented Plans. Having received from  
10 the Centers for Medicare and Medicaid Services (“CMS”) of the United States Department of  
11 Health and Human Services (“HHS”) a start-up loan of \$17,080,047, and a “solvency” loan of  
12 \$48,820,349, NHC was required to operate as a non-profit, consumer-driven health insurance  
13 issuer for the benefit of the public. The CO-OP’s primary business was to provide ACA-  
14 compliant health coverage to residents of Nevada, and it operated its business for the benefit of  
15 Nevadans within the state, save for certain arrangements to provide nationwide health coverage  
16 to Nevadans traveling outside the state in certain circumstances. NHC began selling products  
17 on and off the Silver State Health Insurance Exchange (the “Exchange”) on January 1, 2014. Its  
18 products included individual, small group, and large group health care coverages.

19 On October 1, 2015, this Court issued its Order Appointing the Acting Insurance  
20 Commissioner, Amy L. Parks as Temporary Receiver of NHC Pending Further Orders of the  
21 Court and Granting Temporary Injunctive Relief Pursuant to NRS 696B.270. Further, on  
22 October 14, 2015, the Receivership Court entered its Permanent Injunction and Order  
23 Appointing Commissioner as Permanent Receiver of Nevada Health CO-OP, appointing the law  
24 firm of CANTILO & BENNETT, L.L.P. as SDR of NHC, in accordance with Chapter 696B of the  
25 Nevada Revised Statutes.

26 Via a Notice of Substitution of Receiver dated April 6, 2016, Deputy Attorney General  
27 Joanna N. Grigoriev informed interested parties of the substitution of Commissioner Barbara D.  
28 Richardson, in place and stead of former Acting Commissioner Amy L. Parks, as the Receiver

1 of NHC. This substitution of Receiver was subsequent to Commissioner Richardson's  
2 appointment as Commissioner of Insurance for the State of Nevada.

3 This Court, through its Final Order Finding and Declaring Nevada Health CO-OP to be  
4 Insolvent and Placing Nevada Health CO-OP into Liquidation (the "Final Order") dated  
5 September 20, 2016, adjudged NHC to be insolvent on grounds that it was unable to meet  
6 obligations as they mature. The Final Order also authorized the Receiver to liquidate the  
7 business of NHC and wind up its ceased operations pursuant to applicable Nevada law. The  
8 Receiver has since transitioned the receivership estate from rehabilitation to liquidation.

9 The Receiver continues to file quarterly status reports as ordered by this Court.

## 10 II. RECEIVERSHIP ADMINISTRATION

### 11 Receivership Administrative Services and Oversight

12 CANTILO & BENNETT, L.L.P., as SDR of NHC, manages the receivership estate and  
13 conducts its affairs. PALOMAR FINANCIAL, LC ("Palomar"), an affiliate of the SDR, performs  
14 administration, information technology, and other related services for the Receiver under the  
15 supervision of the SDR. The Receiver has included an informational copy, as **Exhibit 1** to this  
16 Twenty-First Status Report, of the invoices paid to the SDR and other receivership consultants  
17 since the last status report to this Court.<sup>1</sup>

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18  
19 <sup>1</sup> The *in camera* materials are being submitted in a separate envelope that reflect paid invoices.

20 Certain billings submitted to the Court are appropriate for *in camera* review (as opposed to being  
21 made part of a public filing). More particularly, and as discussed in further detail below, certain  
22 consultants in this matter are providing expert witness related services. As such, the billing entries  
relating thereto should be considered confidential and/or otherwise not subject to discovery.

23 In this regard, courts have held that the bills of legal counsel and experts may be withheld from  
24 legal discovery and are not subject to legal disclosure, as this information may provide indications or  
25 context concerning potential litigation strategy and the nature of the expert services being provided. *See,*  
26 *e.g., Avnet, Inc. v. Avana Technologies Inc.*, No. 2:13-cv-00929- GMN-PAL, 2014 WL 6882345, at \*1  
27 (D. Nev. Dec. 4, 2014) (finding that billing entries were privileged because they reveal a party's strategy  
28 and the nature of services provided); *Fed. Sav. & Loan Ins. Corp. v. Ferm*, 909 F.2d 372, 374-75 (9th  
Cir. 1990) (considering whether or not fee information revealed counsel's mental impressions  
concerning litigation strategy). Other courts that have addressed this issue have recognized that the  
"attorney-client privilege embraces attorney time, records and statements to the extent that they reveal  
litigation strategy and the nature of the services provided." *Real v. Cont'l Grp., Inc.*, 116 F.R.D. 211,  
213 (N.D. Cal. 1986).

## Resolution of Outstanding Receivership Matters

### *Claims Adjudications & Distributions*

Notices of Claim Determination (“NCDs”) were mailed for healthcare claims previously submitted by providers to NHC’s Javelina Claims Processing Database (the “Provider Claims”). The total allowed amount of these approved Provider Claims is approximately \$33.7 million. The NHC members also received NCDs that showed them the amount that the SDR has approved to be paid to their providers, and the amount of member responsibility (*i.e.*, the co-pays, deductibles, and coinsurance), if any, that they may owe on their providers’ outstanding claims. The SDR has received approval from the Court to make a distribution of certain estate assets for the partial payment of these Provider Claims, which have been classified by the SDR as claims made under NHC policies pursuant to NRS 696B.420(1)(b)).<sup>2</sup>

As previously reported, the SDR must collect U.S. Internal Revenue Service W-9 forms and other necessary documentation from the providers in advance of making any claim payments, to assure that the estate can meet any mandatory federal tax reporting requirements. Four hundred seventy-seven (477) providers have submitted the necessary documentation, and have received a distribution payment. However, the remaining 1,306 providers either did not respond or sent back defective paperwork. The SDR will follow-up with these providers to collect the necessary paperwork.

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The *in-camera* review should apply not only to documentation concerning attorneys’ fees, but it also extends to “details of work revealed in [an] expert’s work description [which] would relate to tasks for which she [or he] was compensated[,]” a situation which is “analogous to protecting attorney-client privileged information contained in counsel’s bills describing work performed.” *See, DaVita Healthcare Partners, Inc. v. United States*, 128 Fed. Cl. 584, 592-93 (2016); *see also Chaudhry v. Gallerizzo*, 174 F.3d 394, 402 (4th Cir. 1999) (recognizing that “correspondence, bills, ledgers, statements, and time records which also reveal the motive of the client in seeking representation, litigation strategy, or the specific nature of the services provided, such as researching particular areas of law,” are protected from disclosure) (quoting, *Clarke v. Am. Commerce Nat’l Bank*, 974 F.2d 127, 129 (9th Cir. 1992)).

<sup>2</sup> As detailed in the Receiver’s Seventeenth Status Report, within the section of the report titled “Sale of Risk Corridors Receivable,” the Court entered an order permitting the distribution of certain funds on October 16, 2019.

1 The SDR also mailed NCDs for those Proofs of Claim submitted to the SDR relating to  
2 Policy Claims (*i.e.*, Class B claims pursuant to NRS 696B.420(1)(b)). The total allowed amount  
3 for the members' claims, \$5,102.64, is subject to a potential small increase as two NCD appeals  
4 have been filed and remain pending.

5 In addition to the two member appeals described above, there are forty-two (42)  
6 outstanding appeals sent by NHC members of the NCDs that were mailed for outstanding  
7 healthcare claims submitted by providers to NHC's Javelina Claims Processing Database.<sup>3</sup> The  
8 SDR is not requesting that hearings be set on these appeals at this time, but may do so in the near  
9 future (*i.e.*, upon the resolution of COVID-19 issues – which in addition to preventing in-person  
10 appearances could also make it difficult for claimants to prepare for hearings). Once all appeals  
11 have been reviewed by the SDR, the SDR will inform the Receivership Court of any unresolved  
12 appeals so that a hearing or hearings may be set. The SDR is working on a resolution of any  
13 outstanding appeals.

14 There are fifty-one proofs of claim ("POC") assigned to a priority Class "C" (*i.e.*,  
15 NRS 696B.420(1)(c)) or lower.<sup>4</sup> The SDR has now issued NCDs to nearly all of these claimants  
16 (*i.e.*, forty-two (42) out of fifty-one (51) NCDs have been sent).<sup>5</sup> It appears unlikely at this time  
17 that the estate will have sufficient assets to make distributions to claims assigned priority below  
18 Class B. The Receiver has included as **Exhibit 2** to this Twenty-First Status Report, an updated  
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20 <sup>3</sup> Members received a copy of the claim determinations that were sent to their providers, so that  
21 the members could see any denied claims, and the deductible, co-pay, and coinsurance that was applied  
22 to each of the allowed provider claims (*i.e.*, the amount of the member's responsibility on each claim)  
and have an opportunity to appeal.

23 <sup>4</sup> This does not include a claim by the U.S. Department of Health and Human Services, which  
24 the SDR has previously reported to this Court. That claim was denied by the SDR, and the government  
did not file an appeal of the SDR's determination. This determination is now final and non-appealable.

25 <sup>5</sup> One of the "NCDs" relates to a very late-filed POC, and as such the notice sent to that claimant  
26 does not provide a claim determination but instead advises that the claim cannot be processed due to  
27 having been filed after the bar date. The Receiver does not process late-filed claims, due to the limited  
28 assets and resources of the estate – and this forms part of the rationale for having a Claims Filing  
Deadline in place – to provide a stopping point for the work of resolving the claims of the estate so that  
the Receiver can wind down the estate and bring it to a closure. Late filed claims (*i.e.*, if allowed or  
approved) may (and likely will) also diminish distributions for timely filed claims.

1 report on the determination of the Receiver on each claim, assigned to a Class C-L, that has been  
2 approved in whole or in part to date.

3 On August 24, 2020, the Silver State Health Insurance Exchange (the “Exchange”)  
4 submitted a POC. The Receiver sent a letter in response to advise that the POC cannot be  
5 processed due to having been filed after the Claims Filing Deadline. The Exchange filed a  
6 Motion to Intervene in the receivership proceeding, for the purpose of having its claim allowed  
7 irrespective of this Court’s order entered on September 21, 2019, that “no claim received after  
8 the Claims Filing Deadline may share in the assets of the estate and NHC shall have no liabilities  
9 as to any such late-filed claims.” On November 4, 2020, this Court denied the Exchange’s  
10 Motion to Intervene and to file a late-filed claim.

11 ***CMS Receivables***

12 As explained in prior status reports, and throughout the pendency of the receivership, the  
13 Receiver is working to resolve certain outstanding matters relating to the collection of amounts  
14 due under the various federal receivables programs, of which the CO-OP was a participant, and  
15 which are administered primarily by CMS. The recovery of these assets will allow the SDR to  
16 make further claim payments to estate creditors. It is also necessary to resolve the receivership’s  
17 dispute of the government’s asserted right to be paid ahead of all other creditors in the estate  
18 (including providers and members). CMS has maintained the position that any monies deemed  
19 owed to NHC (and thus the receivership estate) are to be offset against the amounts CMS asserts  
20 it is owed under the start-up loan awarded to NHC. To date, CMS has offset approximately  
21 \$12.9 million against the start-up loan that, the Receiver maintains, should have instead been

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1 paid to NHC. When the full amount of 2014 - 2015 Risk Corridors payments (*i.e.*, not just the  
2 prorated amount<sup>6</sup>) are included in the total, NHC is owed over \$55 million.<sup>7</sup>

3 In light of the United States Supreme Court’s recent decision in *Maine Community Health*  
4 *Options v. United States*, No. 18-1023 (described further below), the Receiver is trying to resolve  
5 some or all of the claims with CMS.<sup>8</sup> The asset recovery litigation against CMS has since  
6 continued on the questions of debt, rights to offset, and claim and issue preclusion matters. CMS  
7 has filed a motion to dismiss the Receiver’s claims, while the Receiver has filed a motion for  
8 summary judgment on NHC’s claims—and both motions remain pending before the United  
9 States Court of Federal Claims.

#### 10 **Internal Administrative Matters Related to Wind Down**

11 The Receiver may, in her discretion and as necessary to advance the receivership, contract  
12 to use the services of certain former employees for specific, limited-term projects. The Receiver  
13 completed the wind down and closure of NHC’s administrative office in 2019, and has since  
14 transferred estate records, property, and operations to the SDR’s offices.

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17 <sup>6</sup> Due to a shortfall in risk corridor collections, CMS asserted it could only pay a prorated  
18 percentage of issuers’ 2014 Risk Corridors payments and that it would use all collections in subsequent  
19 years towards the 2014 payments (*i.e.*, they are unable to make payments for the subsequent years at all).  
20 DEP’T OF HEALTH & HUMAN SERVICES & CENTERS FOR MEDICARE & MEDICAID  
21 SERVICES (“CMS”), CCIIO MEMORANDUM, RISK CORRIDORS PAYMENT AND CHARGE  
22 AMOUNTS FOR THE 2015 BENEFIT YEAR (November 18, 2016) (available at  
23 <https://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/Downloads/2015-RC-Issuer-level-Report-11-18-16-FINAL-v2.pdf>); CMS, CCIIO MEMORANDUM, RISK CORRIDORS PAYMENT  
24 AND CHARGE AMOUNTS FOR THE 2016 BENEFIT YEAR (November 15, 2017) (available at  
25 <https://www.cms.gov/CCIIO/Programs-and-Initiatives/Premium-Stabilization-Programs/Downloads/Risk-Corridors-Amounts-2016.pdf>).

26 <sup>7</sup> NHC sold a significant portion of its interest in the Risk Corridors receivables, as detailed in  
27 the Receiver’s Seventeenth Status Report to this Court. However, NHC will still participate in actions  
28 to recover CMS receivables.

<sup>8</sup> See, Amy Howe, OPINION ANALYSIS: DECISIVE WIN FOR HEALTH INSURERS SEEKING  
COMPENSATION FOR ACA LOSSES, SCOTUS BLOG (2020), <https://www.scotusblog.com/2020/04/opinion-analysis-decisive-win-for-health-insurers-seeking-compensation-for-aca-losses/> (last visited June 26,  
2020).



**Continuation of Action Against Various Professionals and Other Firms Who Performed Services for and on Behalf of NHC**

On August 25, 2017, Counsel for the Receiver filed in Clark County District Court a Complaint (Case No. A-17-760558-C in Department No. 18) against various persons, third-party vendors, and professional service firms which are alleged to have contributed to NHC's losses by, among other things, failing to adhere to applicable standards of professional care and requirements imposed by law, misrepresentation concerning quality and standard of care for services performed, and breaches of contract, duty, and implied covenants of good faith and fair dealing. The complaint names, among others, NHC's former actuaries, accountants, auditors, and providers of certain business operations and utilization review services, as well as those individuals who specifically performed, or who were in the role of supervising the performance of, those services. The Complaint also names several NHC former directors and executive management.

Via Plaintiff's Motion to Amend Complaint, filed on July 17, 2018, the Receiver sought an order granting leave to amend the August 25, 2017, complaint against certain of NHC's various directors, officers, and third-party contractors, citing the discovery of additional facts in support of assertions made in the first complaint, as well as the need to add a new defendant to the existing proceedings. This Motion to Amend Complaint was filed in Judicial Department Sixteen, in line with the terms of contemporaneous Notice of Department Reassignment assigning the proceedings to Judge Timothy C. Williams. The Motion to Amend Complaint was approved via an order entered on September 18, 2018. Subsequently, the Court ordered that the case against Milliman must be arbitrated. On December 19, 2019, the Nevada Supreme Court denied the Receiver's Writ of Mandamus seeking extraordinary relief against the order compelling arbitration, noting the availability of subsequent appellate relief, as well as disagreeing that clear legal error had occurred in the underlying proceedings. On October 16, 2020, Plaintiff filed a Motion for Leave to File Second Amended Complaint, which contains additional factual allegations, theories of injury, and other context concerning NHC's resulting

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1 insolvency. Hearing on this Motion was scheduled for November 18, 2020, but was vacated  
2 later, as explained below.

3 On October 8, 2020, Unite Here Health and Nevada Health Solutions, each Defendants  
4 in the instant asset recovery litigation, filed their Motion with the Receivership Court to:  
5 (1) Disqualify Greenberg Traurig, LLP as Counsel for the Statutory Receiver of Nevada Health  
6 CO-OP, and (2) Disgorge Attorneys' Fees Paid by Nevada Health CO-OP to Greenberg Traurig,  
7 LLP. Defendants' allegations are that Plaintiff's counsel cannot sufficiently represent NHC's  
8 interests due to having provided prior legal services to a specific creditor of the estate, as well  
9 as other entities which Defendants assert should have been named in the asset recovery litigation  
10 (to which they themselves are parties) and were not so named because of the pre-existing  
11 professional relationship. Greenberg Traurig, LLP, filed its Opposition to the Motion to  
12 Disqualify on November 16, 2020, asserting that Defendants' did not have legal standing to  
13 challenge Plaintiff's choice of representation, that counsel's representation of the prior parties  
14 does not create a conflict because the circumstances of the legal services rendered to Plaintiff  
15 are unrelated, that disqualification would work to the extreme prejudice of the Plaintiff, and that  
16 Defendants' had waived this form of procedural objection by delaying, making it until more than  
17 three years into the litigation. Plaintiff filed her Joinder to Greenberg Traurig's Opposition on  
18 November 16, 2020, and Defendants Unite Here Health and Nevada Health Solutions filed their  
19 Reply in Support of the Motion on December 8, 2020. Following a series of stipulated  
20 continuances, Judge Cory heard the arguments and evidence for and against the Motion to  
21 Disqualify on December 15, 2020. The Court issued a Minute Order on December 16, 2020,  
22 denying the Motion to Disqualify.

23 Pursuing the same theories as underlined in their Motion to Disqualify, Unite Here Health  
24 and Nevada Health Solutions filed on October 15, 2020, their Motion for Leave to File Third-  
25 Party Complaint, seeking permission from the Court to file a complaint alleging that the Silver  
26 State Health Insurance Exchange and Xerox State Healthcare, LLC, are responsible for a  
27 significant number of NHC's injuries, such that concerns for judicial economy and the  
28 consolidation of related proceedings should merit the cross-complaint and addition of these



1 parties to the instant asset recovery litigation. This Motion was joined by Defendant former  
2 directors and officers on October 16, 2020, and by InsureMonkey on October 22, 2020. These  
3 actions were quickly followed by the filing on October 19, 2020, of a Motion to Consolidate  
4 seeking to consolidate A-20-816161-C, the recently-filed asset recovery suit against the Silver  
5 State Health Insurance Exchange, with the instant asset recovery proceedings. As with the  
6 Motion seeking the filing of the Third-Party Complaint, the Motion to Consolidate asserts that  
7 the alleged similarities between the factual circumstances of the cases merit this outcome.

8 On October 20, 2020, Defendants Unite Here Health and Nevada Health Solutions filed  
9 their Motion to Strike Jury Demand, alongside a request for redaction and submission of exhibits  
10 under seal. On October 21, 2020, Defendant former directors and officers filed their Motion for  
11 Partial Summary Judgment on the pleadings pursuant to NRCP (12)(c), primarily on the basis  
12 that many of the causes of action asserted in the First Amended Complaint (*i.e.*, negligent  
13 misrepresentation, constructive fraud, negligent performance of an undertaking) are acts that  
14 directors and officers of non-profit organizations (such as NHC) cannot be liable for under  
15 Nevada law and statutes regulating the governance of non-profit organizations.

16 In light of the pending Motion to Disqualify before the Receivership Court, Plaintiff's  
17 counsel filed, on November 2, 2020, the Motion for Entry of Stay on Order Shortening Time,  
18 informing the court that the resolution of the questions concerning Greenberg Traurig's  
19 representation of Plaintiff directly bears upon the course of the related asset recovery litigation,  
20 and understandably requires the placement of that litigation into abeyance for the duration of  
21 those proceedings. By an Order Staying the Litigation dated November 10, 2020, the court in  
22 A-17-760558-B stayed all schedules or actions involving the motions for the filing of a Third-  
23 Party Complaint, consolidation, partial summary judgment, the filing of a Second Amended  
24 Complaint, and the request to strike the Jury Demand.

25 As well, this Order Staying the Litigation explicitly vacates all open discovery deadlines,  
26 including those for expert reports, and requires the parties to the litigation to meet and confer  
27 about new deadlines for the remaining matters, which shall be entered into a new scheduling  
28 order upon the lifting of the stay. Through a December 14, 2020, Stipulation and Order agreed

1 to by the parties, the Status Check hearing on the litigation stay originally scheduled for  
2 December 16, 2020, has been continued to January 6, 2021. The Status Check has now been  
3 continued until January 14, 2021.

4 As of the date of filing of this Status Report, no later scheduling orders have been issued  
5 extending these deadlines, although certain deadlines may be amended by stipulation of the  
6 parties in the near future if deemed necessary and approved by the Court.

7 The Receiver has settled its claims against Millennium, and the settlement agreement was  
8 approved by the Court. Millennium has made all of the settlement progress payments required  
9 under the settlement agreement.

10 On April 13, 2020, the Defendant directors and officers filed their Motion to Compel  
11 Production of Lynn Fulstone documents, seeking to compel certain documents held by the  
12 Receiver but not produced in discovery in response to a Defendant's request on the basis that  
13 such documents are privileged and protected from disclosure as attorney-client communications  
14 and as files falling under the work product doctrine.

15 An Opposition by the Receiver was filed on April 27, 2020, setting forth responses to  
16 these allegations and describing relevant legal authorities. The Opposition maintains that no  
17 such partial disclosure of files was made, that none of the documents that the Motion to Compel  
18 seeks to produce were relied upon by NHC in the making of the Complaint against the  
19 Defendants, and that numerous legal doctrines would protect the documents being sought from  
20 disclosure in any case. A Reply by the Defendant directors and officers in support of the Motion  
21 to Compel was filed under seal on June 16, 2020, and joined by Unite Here Health and Nevada  
22 Health Solutions the same day. Although set initially for hearing on June 17, 2020, per a June 15,  
23 2020, Stipulation and Order, the hearing on the Motion to Compel was re-set for June 24, 2020.  
24 Via a Minute Order dated August 10, 2020, the Court denied the Motion to Compel and the  
25 associated joinders. A formal, written Order Denying the Motion to Compel dated October 2,  
26 2020, was recorded on the Court's docket as of November 2, 2020.

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1           Discovery continues in the litigation before the recent stay of litigation, with Plaintiff  
2 having delivered to Defendant former directors and officers the First Supplemental Response to  
3 the Sixth Set of Requests for Production on October 16, 2020, alongside the Twenty-Ninth  
4 Supplemental Rule 16.1 Production. Subject to the Court’s recently ordered stay, additional or  
5 supplemental discovery requests made by Defendants are being responded to as received, with  
6 the Special Deputy Receiver coordination with counsel as necessary in the identification and  
7 production of responsive documents. As mentioned above, the relevant discovery deadlines have  
8 been vacated in light of the pending Motion to Disqualify and will be reset upon agreement of  
9 parties.

10 **Pending Action Against the United States in the Court of Federal Claims**

11 On November 8, 2018, the Receiver filed a Complaint in the United States Court of Federal  
12 Claims (“CFC Complaint”) against the United States for monetary amounts owed to NHC under  
13 the Consumer Operated and Oriented Plan program organized pursuant to the ACA. The  
14 Receiver determined that such litigation was necessary in order to advance the interests of the  
15 receivership estate’s various creditors, and to protect and conserve assets that rightfully belong  
16 to the estate.

17           In Counts I through IV, the CFC Complaint prays for relief in the form of an award of  
18 damages and monetary relief equal to the difference between the amount NHC actually received  
19 in payments under Sections 1342, 1341, 1343, and 1401 of the ACA – the statutes which describe  
20 and enact the Risk Corridors, transitional reinsurance, risk adjustment, and cost sharing reduction  
21 programs respectively – and the amount NHC should have received under those laws.

22           The CFC Complaint’s Count V (breach of contract by offset) and Count VI (illegal  
23 exaction) plead alternate theories for recovery of money damages resulting from the United  
24 States, through its agents at HHS and CMS, offsetting payments that CMS owed to NHC against  
25 funds NHC allegedly owed to the government pursuant to the terms of the CO-OP start-up loan.  
26 On March 7, 2019, the United States filed a motion to dismiss the CFC Complaint’s (“Motion  
27 to Dismiss”) argument that none of Counts I through VI state claims upon which relief can be  
28 granted. NHC’s deadline for responding to the Motion to Dismiss was July 9, 2019. However,

1 on June 24, 2019, the United States Supreme Court granted certiorari in three Risk Corridors  
2 appeals, *i.e.*, the Supreme Court Appeal Cases.

3 Subsequent to a Motion for Enlargement of Time to Respond to Government's Motion to  
4 Dismiss, filed on June 28, 2019, the Receiver filed her Opposition to Motion to Dismiss, and  
5 Cross-Motion for Final Partial Summary Judgment on July 31, 2019, which sought from the  
6 Court of Federal Claims, *inter alia*, an adjudication in favor of the Receiver regarding that  
7 Counts II through IV of the CFC Complaint, the counts not taken up by the United States  
8 Supreme Court for review. The Cross-Motion for Partial Summary Judgment predicated its  
9 arguments on the basis that the United States had already admitted prior liability and damages  
10 concerning the amounts sought by the CFC Complaint under counts II-IV (*i.e.*, the Federal  
11 Transitional Reinsurance program, the Risk Adjustment program, and the Cost-Sharing  
12 Reduction programs provided for explicitly by ACA statutes), save for their affirmative defense  
13 of offset, and that the affirmative defense of offset must fail as a matter of law as the  
14 circumstances provided for in applicable federal law and regulation permitting an offset of  
15 amounts owed under the ACA receivables programs were not satisfied in this case.

16 On August 7, 2019, the United States filed with the Court of Federal Claims its Motion  
17 to Stay, or in the Alternative, for an Enlargement of Time, asserting that the interrelated issues  
18 of fact and law at the center of the Court of Federal Claims litigation, alongside countervailing  
19 concerns of judicial economy, justified a general suspension of proceedings during the pendency  
20 of the United States Supreme Court's review of the legal and constitutional questions in the  
21 Supreme Court Appeal Cases, notwithstanding the theoretical separability of the various federal  
22 receivables programs under which NHC presented its claims. The Court of Federal Claims  
23 granted the United States' Motion to Stay on August 12, 2019, until such legal and constitutional  
24 questions were resolved.

25 The United States Supreme Court, through its April 27, 2020, decision, found in favor of  
26 the CO-OPs, and held that the Risk Corridors statutes did indeed create a government obligation  
27 to pay insurers the full amount set out in Section 1342's formula. Despite the decision of  
28 Congress to disallow by specific legislative rider the making of Risk Corridors payments from

1 funding sources which would have otherwise been available under the annual appropriations  
2 omnibus, the plain text of the legislative rider at issue in the litigation did not indicate an intention  
3 to impliedly, retroactively repeal Risk Corridors obligations, and that therefore the CO-OPs  
4 properly relied upon the Tucker Act to bring suits for damages against the United States in the  
5 Court of Federal Claims.

6 Subsequent to this decision, the Court of Federal Claims issued its May 4, 2020, Order  
7 scheduling a status conference to take place on May 19, 2020, concerning the remaining matters  
8 at issue in the litigation. This telephone conference did occur on May 19, 2020, and the issues  
9 discussed on that call were later summarized in the Court of Federal Claims' May 21, 2020,  
10 Order staying proceedings for a further forty-five days and requiring the filing of a joint status  
11 report on or before July 6, 2020, addressing the topics discussed during the telephone conference.  
12 This deadline was later moved to July 10, 2020, upon approval by the Court of Plaintiff's July 6,  
13 2020, Unopposed Motion for Extension of Time for Filing Joint Status Report. The Joint Status  
14 Report was filed on July 10, 2020, and proposed August 3, 2020, as the deadline for NHC's  
15 Updated Opposition to the United States' Motion to Dismiss and Cross Motion for Summary  
16 Judgment, with the United States' reply in support of the Motion being due on September 18,  
17 2020, and NHC's own reply due on November 13, 2020.

18 On August 3, 2020, Plaintiff filed her Unopposed Motion to Set Briefing Schedule, which  
19 was approved and ordered the same day. Per this Motion, August 24, 2020, was proposed as the  
20 deadline for NHC's Updated Opposition to the Motion to Dismiss and Cross Motion for  
21 Summary Judgment, with the government's reply due October 9, 2020, and NHC's reply due  
22 October 26, 2020. A subsequent Unopposed Motion for Extension of Time, filed on August 19,  
23 2020, and approved on August 20, 2020, established September 9, 2020, as the deadline for  
24 NHC's Updated Opposition, with the United States' reply due October 26, 2020, and NHC's  
25 own reply due November 13, 2020.

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1 On September 9, 2020, Plaintiff filed her Response and Reply to the United States'  
2 Motion to Dismiss and Cross-Motion for Summary Judgment.

3 The United States filed its Reply in Support of its Motion to Dismiss and Opposition to  
4 Cross-Motion for Summary Judgment on October 26, 2020, reiterating its prior arguments that  
5 offsets are proper in amounts alleged to be owed between the two creditors at issue here. These  
6 proceedings, in the same manner as with the state court asset recovery proceedings, were sought  
7 to be stayed by the filing by Plaintiff of a November 5, 2020, Motion to Stay Proceedings. On  
8 December 16, 2020, the Receivership Court entered its Minute Order denying the Motion to  
9 Disqualify, noting the failure of Defendants to cite either to clear and substantial evidence of  
10 possible conflicts or to binding legal authority mandating the disclosure of all potential or  
11 supposed conflicts which may implicate counsel. The Motion to Disqualify having been denied,  
12 the Motion to Stay Proceedings filed in the United States Court of Federal Claims has now been  
13 rendered moot. The motion to dismiss of the United States and the Receiver's motion for  
14 summary judgment remain pending before the United States Court of Federal Claims.

15 **Pending Action Against the Silver State Health Insurance Exchange**

16 Through the filing of a Complaint dated June 5, 2020, in Case Number A-20-816161-C,  
17 in Department Number Eight of the Eighth Judicial District Court, the Receiver has brought an  
18 action against the Exchange for, *inter alia*, damages of approximately one-half million dollars  
19 in premiums received from on-exchange insureds on behalf of NHC, but never remitted to the  
20 CO-OP. The Complaint alleges that the retention of these funds by the Exchange, without  
21 explanation or justification, constitutes a violation of the existing agreement between the parties,  
22 unjust enrichment of the Exchange at the expense of receivership claimants, and an appropriate  
23 basis for the imposition of a constructive trust over the assets at issue. The Exchange filed its  
24 Answer on August 24, 2020, denying the relevant allegations and asserting conventional  
25 affirmative defenses such as the doctrine of assumption of risk, sovereign immunity,  
26 contributory negligence, offset, and unclean hands. Following the October 8, 2020, Joint Case  
27 Conference Report, and the November 19, 2020, Mandatory Rule 16 Conference, the  
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proceedings are now continuing along the schedules set out in the relevant November 24, 2020, Scheduling Order and Order Setting Civil Bench Trial.

Defendant then filed, as of September 29, 2020, a Motion to Intervene with NHC's Receivership Court, seeking authorization to file a POC for amounts allegedly owed to the Exchange by NHC, but which was never filed timely by the Exchange despite having the opportunity do so (and is therefore barred by law from collecting from estate assets). The Motion to Intervene claimed that the Exchange had previously filed a POC, but lost its records concerning the same, and that nonetheless the Exchange be entitled to register its claims against NHC at a low statutory priority level because the Receiver had actual knowledge of the Exchange's claims notwithstanding the failure to file. Plaintiff's Opposition to the Motion to Intervene was filed on October 13, 2020, and asserted several bases to deny the Exchange's relief, including the absence of evidence supporting the prior attempts to file a POC, the Exchange's failure to show its ability to intervene in Receivership proceedings as a matter of right, and the explicit requirements of Nevada receivership law and court orders disallowing late-filed claims from sharing in the assets of the estate. Following the Exchange's October 28, 2020, Reply to the Opposition, the Receivership Court decided, on November 4, 2020, to deny the Exchange's attempt to intervene and held that the attempted late-claim filing was untimely and unwarranted by law.

#### **Civil Action Against WellHealth Medical Associates, Medsource, and Certain Persons**

Through the filing of a Complaint dated July 16, 2020, in case Number A-20-818118-C, in Department Number Nineteen of the Eighth Judicial District Court, the Receiver has brought an action against WellHealth Medical Associates, PLLC, Medsource Management Group, LLC, and certain individual persons in positions of responsibility within those organizations, for the recovery of amounts owed in connection with certain illegal, unethical, negligent, and intentionally fraudulent transactions which took place with NHC in health plan years 2014 and 2015. The primary allegations involve WellHealth's entry into an illegal and unapproved services contract with NHC, which, as per the Receiver's allegations, constitute a material shifting of insurance risk from a licensed carrier (NHC) to an unlicensed insurer (Wellhealth)—

1 and Wellhealth was also expressly disapproved by the Nevada Division of Insurance as a  
2 Delivery Service Intermediary. Defendants in this action received millions of dollars from NHC  
3 in exchange for their services, which are alleged in the Complaint to not have been performed at  
4 the standard required, or with necessary licenses and legal authority. The Receiver has not yet  
5 received an Answer from defendants in this matter but will proceed to discovery and further  
6 litigation when appropriate.

### 7 **Current Receivership Assets**

8 The Receiver's evaluation of the assets and liabilities of the CO-OP is ongoing, and  
9 adjusted periodically to accommodate new authorized payments, receipts, and transfers. Below  
10 is an overview of some key asset matters thus far identified by the Receiver (other than those  
11 already mentioned herein):

12 1. The unrestricted cash assets of the CO-OP have fluctuated with post-  
13 receivership expenses and claim payments, as well as with the Receiver's receipt of member  
14 premiums. The currently available, unrestricted cash assets of the CO-OP as of November 30,  
15 2020, were approximately \$4,690,708.00. The majority of NHC's currently available and liquid  
16 assets are held in bank deposits.

17 2. The financial information of NHC in this Twenty-First Status Report  
18 provides estimates. NHC's financials may materially vary depending upon the estate's receipt  
19 of the promised federal receivables payments under the various ACA programs described in this  
20 report, and future litigation recoverables.

21 3. The Receiver is including, as **Exhibit 3** attached hereto, a cash flow report  
22 for NHC for the period covering the inception of the receivership through November 30, 2020.  
23 This report reflects a summary of disbursements and collections made by NHC during this  
24 period.

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CONCLUSION

The Receiver has submitted this report in compliance with the Receivership Court's instructions for a status report on NHC. The Receiver requests that the Court approve this Twenty-First Status Report and the actions taken by the Receiver.

DATED this 8th day of January 2021.

Respectfully submitted:

Barbara D. Richardson, Commissioner of Insurance of the State of Nevada, in her Official Capacity as Statutory Receiver of Delinquent Domestic Insurer

By: /s/ Cantilo & Bennett, L.L.P.

Special Deputy Receiver

By Its Authorized Representative Patrick H. Cantilo

Respectfully submitted by:  
GREENBERG TRAURIG, LLP

/s/ Donald L. Prunty

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

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on the **8th day of January 2021**, and pursuant to NEFCR 9, NRCP 5(b), and EDCR 7.26, I served this **TWENTY-FIRST STATUS REPORT** on all parties receiving service in this action through electronic transmission via this Court's electronic filing system to:

**E-Service Master List  
For Case**

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

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| Joanna N. Grigoriev   | <a href="mailto:jgrigoriev@ag.nv.gov">jgrigoriev@ag.nv.gov</a>                   |
| <b>US Department of Health and Human Services</b>             |  |
| <b>Contact</b>  | <b>Email</b>   |
| Leslie Stafford   | <a href="mailto:Leslie.Stafford@HHS.GOV">Leslie.Stafford@HHS.GOV</a>             |
| <b>US Department of Justice</b>                               |  |
| <b>Contact</b>  | <b>Email</b>   |
| Serena Orloff   | <a href="mailto:Serena.M.Orloff@usdoj.gov">Serena.M.Orloff@usdoj.gov</a>         |
| Terrance A. Mebane  | <a href="mailto:Terrance.A.Mebane@usdoj.gov">Terrance.A.Mebane@usdoj.gov</a>     |

/s/ Evelyn Escobar-Gaddi  
An employee of Greenberg Traurig, LLP

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## EXHIBIT 1

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### Summaries

# CANTILO & BENNETT, L.L.P.

ATTORNEYS & COUNSELORS  
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Comprised of Professional Corporations*

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September 24, 2020

## BILL SUMMARY

70750 Nevada Health Co-Op ("NHC")

July 1 - July 31, 2020

| <u>Matter No. and Description</u> | <u>Invoice<br/>Numbers</u>          | <u>Fees</u>  | <u>Costs</u> | <u>Total</u> |
|-----------------------------------|-------------------------------------|--------------|--------------|--------------|
| July 2020                         | 24729,<br>24731-<br>24737,<br>24759 | \$ 49,856.25 | \$ 811.50    | \$ 50,667.75 |
| <b>Totals (1)</b>                 |                                     | \$ 49,856.25 | \$ 811.50    | \$ 50,667.75 |

## **Cantilo & Bennett, L.L.P.**

**NEVADA HEALTH CO-OP  
TIMEKEEPER SUMMARY REPORT  
7/1/20 - 7/31/20**

|    |                                   | <b>Billable<br/>Hours</b> | <b>Billable<br/>Rate</b> | <b>June Billing</b> |
|----|-----------------------------------|---------------------------|--------------------------|---------------------|
| 1  | Timekeeper - Patrick H. Cantilo   | 0.00                      | \$490.00                 | \$0.00              |
| 2  | Timekeeper - Mark F. Bennett      | 72.10                     | \$400.00                 | \$28,840.00         |
| 3  | Timekeeper - Kristen W. Johnson   | 16.60                     | \$300.00                 | \$4,980.00          |
| 4  | Timekeeper - Josh O. Lively       | 68.00                     | \$200.00                 | \$13,600.00         |
| 5  | Timekeeper - Douglas J. Coonfield | 0.00                      | \$200.00                 | \$0.00              |
| 6  | Timekeeper - Jose M. Rangel       | 0.00                      | \$350.00                 | \$0.00              |
| 7  | Timekeeper - Arati Bhattacharya   | 0.00                      | \$300.00                 | \$0.00              |
| 8  | Timekeeper - Law Clerk            | 0.00                      | \$85.00                  | \$0.00              |
| 9  | Timekeeper - Isaiah Samaniego     | 0.45                      | \$125.00                 | \$56.25             |
| 10 | TimeKeeper - Pierre Riou          | 7.60                      | \$300.00                 | \$2,280.00          |
| 11 | TimeKeeper - Jeffrey L. Collins   | 0.80                      | \$125.00                 | \$100.00            |
|    | <b>GRAND TOTAL</b>                | <b>165.55</b>             |                          | <b>\$49,856.25</b>  |

Client ID 70750  
Work Date 07/01/20:07/31/2020

| TimeKeeper             |                        | Hours  | Fees      | NC Hours | NC Fees |
|------------------------|------------------------|--------|-----------|----------|---------|
| MFB MARK F. BENNETT    |                        |        |           |          |         |
| 70750003               | Claims                 | 0.75   | 300.00    | 0.00     | 0.00    |
| 70750008               | Company Administration | 5.05   | 2,020.00  | 0.00     | 0.00    |
| 70750100               | Asset Recovery         | 26.30  | 10,520.00 | 0.00     | 0.00    |
| 70750102               | NHC vs. CMS Litigation | 40.00  | 16,000.00 | 0.00     | 0.00    |
|                        | Sub Total (MFB)        | 72.10  | 28,840.00 | 0.00     | 0.00*   |
| JLC JEFFREY L. COLLINS |                        |        |           |          |         |
|                        | Sub Total (JLC)        | 0.80   | 100.00    | 0.00     | 0.00    |
|                        |                        | 0.80   | 100.00    | 0.00     | 0.00*   |
| KWJ KRISTEN W. JOHNSON |                        |        |           |          |         |
| 70750003               | Claims                 | 2.50   | 750.00    | 0.00     | 0.00    |
| 70750008               | Company Administration | 5.80   | 1,740.00  | 0.00     | 0.00    |
| 70750100               | Asset Recovery         | 8.30   | 2,490.00  | 0.00     | 0.00    |
|                        | Sub Total (KWJ)        | 16.60  | 4,980.00  | 0.00     | 0.00*   |
| JOL JOSHUA O. LIVELY   |                        |        |           |          |         |
| 70750102               | NHC vs. CMS Litigation | 35.25  | 7,050.00  | 0.00     | 0.00    |
|                        | Sub Total (JOL)        | 32.75  | 6,550.00  | 0.00     | 0.00    |
|                        |                        | 68.00  | 13,600.00 | 0.00     | 0.00*   |
| PJR PIERRE J. RIOU     |                        |        |           |          |         |
|                        | Sub Total (PJR)        | 7.60   | 2,280.00  | 0.00     | 0.00    |
|                        |                        | 7.60   | 2,280.00  | 0.00     | 0.00*   |
| IXS ISAAH SAMANIEGO    |                        |        |           |          |         |
| 70750008               | Company Administration | 0.45   | 56.25     | 0.00     | 0.00    |
|                        | Sub Total (IXS)        | 0.45   | 56.25     | 0.00     | 0.00*   |
| Grand Total            |                        | 165.55 | 49,856.25 | 0.00     | 0.00    |

September 24, 2020  
8:22 am

Cantilo & Bennett, L.L.P.  
Bill Register

Page 1

| Client and Matter                            | Date     | Inv No | Fees      | Costs | Credits | Total     |
|--|----------|--------|-----------|-------|---------|-----------|
| 70750 Nevada Health CO-OP<br>70750003 Claims | 07/31/20 | 24838  | 1,050.00  | 0.00  | 0.00    | 1,050.00  |
| 70750008 Company Administration              | 07/31/20 | 24835  | 3,816.25  | 0.00  | 0.00    | 3,816.25  |
| 70750100 Asset Recovery                      | 07/31/20 | 24839  | 20,060.00 | 0.00  | 0.00    | 20,060.00 |
| 70750102 NHC vs. CMS Litigation              | 07/31/20 | 24840  | 24,930.00 | 0.00  | 0.00    | 24,930.00 |
| Totals ( 4)                                  |          |        | 49,856.25 | 0.00  | 0.00    | 49,856.25 |



| Client and Matter   | Date     | Inv No | Fees | Costs  | Credits | Total  |
|---|----------|--------|------|--------|---------|--------|
| 70750 Nevada Health CO-OP<br>70750001 Takeover Administration | 07/31/20 | 24842  | 0.00 | 600.68 | 0.00    | 600.68 |
| 70750003 Claims   | 07/31/20 | 24843  | 0.00 | 1.40   | 0.00    | 1.40   |
| 70750100 Asset Recovery                                       | 07/31/20 | 24844  | 0.00 | 18.62  | 0.00    | 18.62  |
| 70750102 NHC vs. CMS Litigation                               | 07/31/20 | 24845  | 0.00 | 190.80 | 0.00    | 190.80 |
| Totals ( 4)   |          |        | 0.00 | 811.50 | 0.00    | 811.50 |

September 24, 2020  
10:19 am

Cantilo & Bennett, L.L.P.  
Timekeeper Costs by Work Code

Page 1  
[cs1c]

Work Date 07/01/2020:07/31/2020  
Client ID 70750

| Staff ID    | Cost Code              | Units | Amount | Write Down | Total  |
|-------------|------------------------|-------|--------|------------|--------|
|             | LX1A LEXIS             | 0.00  | 176.10 | 0.00       | 176.10 |
|             | MT1A MISCELLANEOUS     | 0.00  | 14.70  | 0.00       | 14.70  |
|             | PO1E POSTAGE           | 0.00  | 3.80   | 0.00       | 3.80   |
|             | TS1E TELEPHONE CHARGES | 0.00  | 598.28 | 0.00       | 598.28 |
|             | WL1A WESTLAW           | 0.00  | 18.62  | 0.00       | 18.62  |
|             | Sub Total ( )          | 0.00  | 811.50 | 0.00       | 811.50 |
| Grand Total |                        | 0.00  | 811.50 | 0.00       | 811.50 |

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October 20, 2020

## BILL SUMMARY

70750 Nevada Health Co-Op ("NHC")

August 1 - August 31, 2020

| <u>Matter No. and Description</u> | <u>Invoice<br/>Numbers</u> | <u>Fees</u>  | <u>Costs</u> | <u>Total</u> |
|-----------------------------------|----------------------------|--------------|--------------|--------------|
| August 2020                       | 24846-<br>24881            | \$ 57,092.50 | \$ 795.41    | \$ 57,887.91 |
| <b>Totals (1)</b>                 |                            | \$ 57,092.50 | \$ 795.41    | \$ 57,887.91 |

## **Cantilo & Bennett, L.L.P.**

**NEVADA HEALTH CO-OP  
TIMEKEEPER SUMMARY REPORT  
8/1/20 - 8/31/20**

|           |  | <b>Billable<br/>Hours</b> | <b>Billable<br/>Rate</b> | <b>August<br/>Billing</b> |
|-----------|--|---------------------------|--------------------------|---------------------------|
| <b>1</b>  | <b>Timekeeper - Patrick H. Cantilo</b>   | 0.00                      | \$490.00                 | \$0.00                    |
| <b>2</b>  | <b>Timekeeper - Mark F. Bennett</b>      | 74.10                     | \$400.00                 | \$29,640.00               |
| <b>3</b>  | <b>Timekeeper - Kristen W. Johnson</b>   | 15.30                     | \$300.00                 | \$4,590.00                |
| <b>4</b>  | <b>Timekeeper - Josh O. Lively</b>       | 113.00                    | \$200.00                 | \$22,600.00               |
| <b>5</b>  | <b>Timekeeper - Douglas J. Coonfield</b> | 0.00                      | \$200.00                 | \$0.00                    |
| <b>6</b>  | <b>Timekeeper - Jose M. Rangel</b>       | 0.00                      | \$350.00                 | \$0.00                    |
| <b>7</b>  | <b>Timekeeper - Arati Bhattacharya</b>   | 0.00                      | \$300.00                 | \$0.00                    |
| <b>8</b>  | <b>Timekeeper - Law Clerk</b>            | 0.00                      | \$85.00                  | \$0.00                    |
| <b>9</b>  | <b>Timekeeper - Isaiah Samaniego</b>     | 0.90                      | \$125.00                 | \$112.50                  |
| <b>10</b> | <b>TimeKeeper - Pierre Riou</b>          | 0.00                      | \$300.00                 | \$0.00                    |
| <b>11</b> | <b>TimeKeeper - Jeffrey L. Collins</b>   | 1.20                      | \$125.00                 | \$150.00                  |
|           | <b>GRAND TOTAL</b>                       | <b>204.50</b>             |                          | <b>\$57,092.50</b>        |

Client ID 70750  
Work Date 08/1/20:08/31/2020

| TimeKeeper             |                        | Hours  | Fees      | NC Hours | NC Fees |
|------------------------|------------------------|--------|-----------|----------|---------|
| MFB MARK F. BENNETT    |                        |        |           |          |         |
| 70750003               | Claims                 | 0.75   | 300.00    | 0.00     | 0.00    |
| 70750008               | Company Administration | 2.55   | 1,020.00  | 0.00     | 0.00    |
| 70750100               | Asset Recovery         | 16.05  | 6,420.00  | 0.00     | 0.00    |
| 70750102               | NHC vs. CMS Litigation | 54.75  | 21,900.00 | 0.00     | 0.00    |
| Sub Total (MFB)        |                        | 74.10  | 29,640.00 | 0.00     | 0.00*   |
| JLC JEFFREY L. COLLINS |                        |        |           |          |         |
| 70750008               | Company Administration | 0.20   | 25.00     | 0.00     | 0.00    |
| 70750102               | NHC vs. CMS Litigation | 1.00   | 125.00    | 0.00     | 0.00    |
| Sub Total (JLC)        |                        | 1.20   | 150.00    | 0.00     | 0.00*   |
| KWJ KRISTEN W. JOHNSON |                        |        |           |          |         |
| 70750003               | Claims                 | 0.70   | 210.00    | 0.00     | 0.00    |
| 70750008               | Company Administration | 5.90   | 1,770.00  | 0.00     | 0.00    |
| 70750100               | Asset Recovery         | 8.70   | 2,610.00  | 0.00     | 0.00    |
| Sub Total (KWJ)        |                        | 15.30  | 4,590.00  | 0.00     | 0.00*   |
| JOL JOSHUA O. LIVELY   |                        |        |           |          |         |
| 70750102               | NHC vs. CMS Litigation | 106.00 | 21,200.00 | 0.00     | 0.00    |
| Sub Total (JOL)        |                        | 7.00   | 1,400.00  | 0.00     | 0.00    |
|                        |                        | 113.00 | 22,600.00 | 0.00     | 0.00*   |
| IXS ISAIAH SAMANIEGO   |                        |        |           |          |         |
| 70750008               | Company Administration | 0.90   | 112.50    | 0.00     | 0.00    |
| Sub Total (IXS)        |                        | 0.90   | 112.50    | 0.00     | 0.00*   |
| Grand Total            |                        | 204.50 | 57,092.50 | 0.00     | 0.00    |

| Client and Matter                            | Date     | Inv No | Fees      | Costs | Credits | Total     |
|--|----------|--------|-----------|-------|---------|-----------|
| 70750 Nevada Health CO-OP<br>70750003 Claims | 08/31/20 | 24880  | 510.00    | 0.00  | 0.00    | 510.00    |
| 70750008 Company Administration              | 08/31/20 | 24877  | 2,927.50  | 0.00  | 0.00    | 2,927.50  |
| 70750100 Asset Recovery                      | 08/31/20 | 24878  | 30,230.00 | 0.00  | 0.00    | 30,230.00 |
| 70750102 NHC vs. CMS Litigation              | 08/31/20 | 24881  | 23,425.00 | 0.00  | 0.00    | 23,425.00 |
| Totals ( 4)                                  |          |        | 57,092.50 | 0.00  | 0.00    | 57,092.50 |

October 22, 2020  
1:36 pm

Cantilo & Bennett, L.L.P.  
Timekeeper Costs by Work Code

Page 1  
[cs1c]

Work Date 08/01/2020:08/31/2020  
Client ID 70750

| Staff ID | Cost Code              | Units | Amount | Write Down | Total  |
|----------|------------------------|-------|--------|------------|--------|
|          | PO1E POSTAGE           | 0.00  | 11.65  | 0.00       | 11.65  |
|          | TS1E TELEPHONE CHARGES | 0.00  | 685.11 | 0.00       | 685.11 |
|          | WL1A WESTLAW           | 0.00  | 98.65  | 0.00       | 98.65  |
|          | Sub Total ( )          | 0.00  | 795.41 | 0.00       | 795.41 |
|          | Grand Total            | 0.00  | 795.41 | 0.00       | 795.41 |

October 08, 2020  
10:16 am

Cantilo & Bennett, L.L.P.  
Bill Register

Page 1

| Client and Matter   | Date     | Inv No | Fees | Costs  | Credits | Total  |
|---|----------|--------|------|--------|---------|--------|
| 70750 Nevada Health CO-OP<br>70750001 Takeover Administration | 08/31/20 | 24846  | 0.00 | 688.31 | 0.00    | 688.31 |
| 70750003 Claims   | 08/31/20 | 24876  | 0.00 | 8.45   | 0.00    | 8.45   |
| 70750102 NHC vs. CMS Litigation                               | 08/31/20 | 24879  | 0.00 | 98.65  | 0.00    | 98.65  |
| Totals ( 3 )  |          |        | 0.00 | 795.41 | 0.00    | 795.41 |



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September 22, 2020

### **BILL SUMMARY**

70750 Nevada Health Co-Op ("NHC")

July 1, 2020 – July 31, 2020

| <b>Matter No. and Description</b> | <b>Fees</b>       | <b>Costs</b>  | <b>Total</b>      |
|-----------------------------------|-------------------|---------------|-------------------|
| July 2020 Non-IT Services         | \$2,700.00        | \$0.00        | \$2,700.00        |
| July 2020 IT Services Flat Fee    | 5,000.00          | 0.00          | 5,000.00          |
| <b>Totals</b>                     | <b>\$7,700.00</b> | <b>\$0.00</b> | <b>\$7,700.00</b> |

## Palomar Financial, LC

NEVADA HEALTH CO-OP  
PRIVILEGED AND CONFIDENTIAL  
SUMMARY REPORT  
PERIOD JULY 2020

|   |                              | Billable<br>Hours | Billable<br>Rate | July 2020 Billing |
|---|------------------------------|-------------------|------------------|-------------------|
| 1 | TIME KEEPER - Nicole Wilkins | 1.70              | \$250.00         | \$425.00          |
| 2 | TIME KEEPER - Robert Stebel  | 0.00              | \$160.00         | \$0.00            |
| 3 | TIME KEEPER - Kelly Reed     | 0.00              | \$150.00         | \$0.00            |
| 4 | TIME KEEPER - Neda Khalaf    | 10.00             | \$160.00         | \$1,600.00        |
| 5 | TIME KEEPER - Brent Andrews  | 0.00              | \$150.00         | \$0.00            |
| 6 | TIME KEEPER - Mary Noel      | 4.50              | \$150.00         | \$675.00          |
|   | GRAND TOTAL                  | 16.20             |                  | \$2,700.00        |

Palomar Financial, LC  
07/01/2020-07/31/2020  
Client: Nevada Health Co-Op ("NHC")

| Staff ID    | Name           | Description                                  | Hours | Amount      |
|-------------|----------------|--|-------|-------------|
| NMW         | Nicole Wilkins | Accounting Reports/Receivership Team Support | 0.80  | \$ 200.00   |
|             |                | Accounts Payable and Receivable              | 0.40  | \$ 100.00   |
|             |                | Bank Account Administration/Reconciliation   | 0.50  | \$ 125.00   |
|             |                | Sub Total (NMW)                              | 1.70  | \$ 425.00   |
| RNS         | Robert Stebel  | Payroll & Employee Benefits                  | 0.00  | \$ -        |
|             |                | Sub Total (RNS)                              | 0.00  | \$ -        |
| KJR         | Kelly Reed     | Accounts Payable and Receivable              | 0.00  | \$ -        |
|             |                | Sub Total (KJR)                              | 0.00  | \$ -        |
| NK          | Neda Khalaf    | Accounting Reports/Receivership Team Support | 10.00 | \$ 1,600.00 |
|             |                | Sub Total (NK)                               | 10.00 | \$ 1,600.00 |
| BA          | Brent Andrews  | IT Support & Administration                  | 0.00  | \$ -        |
|             |                | Sub Total (BA)                               | 0.00  | \$ -        |
| MFN         | Mary Noel      | Investment Accounting/Support                | 0.75  | \$ 112.50   |
|             |                | Accounts Payable and Receivable              | 3.75  | \$ 562.50   |
|             |                | Sub Total (MFN)                              | 4.50  | \$ 675.00   |
| Grand Total |                |  | 16.20 | \$ 2,700.00 |

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October 23, 2020

### **BILL SUMMARY**

70750 Nevada Health Co-Op ("NHC")

August 1, 2020 – August 31, 2020

| <b>Matter No. and Description</b> | <b>Fees</b>        | <b>Costs</b>  | <b>Total</b>       |
|-----------------------------------|--------------------|---------------|--------------------|
| August 2020 Non-IT Services       | \$8,130.00         | \$0.00        | \$8,130.00         |
| August 2020 IT Services Flat Fee  | 5,000.00           | 0.00          | 5,000.00           |
| <b>Totals</b>                     | <b>\$13,130.00</b> | <b>\$0.00</b> | <b>\$13,130.00</b> |

## Palomar Financial, LC

NEVADA HEALTH CO-OP  
PRIVILEGED AND CONFIDENTIAL  
SUMMARY REPORT  
PERIOD AUGUST 2020

|   |                              | Billable<br>Hours | Billable<br>Rate | August 2020<br>Billing |
|---|------------------------------|-------------------|------------------|------------------------|
| 1 | TIME KEEPER - Nicole Wilkins | 4.05              | \$250.00         | \$1,012.50             |
| 2 | TIME KEEPER - Robert Stebel  | 0.00              | \$160.00         | \$0.00                 |
| 3 | TIME KEEPER - Kelly Reed     | 0.00              | \$150.00         | \$0.00                 |
| 4 | TIME KEEPER - Neda Khalaf    | 33.00             | \$160.00         | \$5,280.00             |
| 5 | TIME KEEPER - Brent Andrews  | 0.00              | \$150.00         | \$0.00                 |
| 6 | TIME KEEPER - Mary Noel      | 12.25             | \$150.00         | \$1,837.50             |
|   | GRAND TOTAL                  | 49.30             |                  | \$8,130.00             |

Palomar Financial, LC  
08/01/2020-08/31/2020  
Client: Nevada Health Co-Op ("NHC")

| Staff ID    | Name           | Description  | Hours | Amount      |
|-------------|----------------|--|-------|-------------|
| NMW         | Nicole Wilkins | Accounting Reports/Receivership Team Support               | 0.70  | \$ 175.00   |
|             |                | Accounts Payable and Receivable                            | 2.90  | \$ 725.00   |
|             |                | Bank Account Administration/Reconciliation                 | 0.25  | \$ 62.50    |
|             |                | Reports/Replies to Policyholders, Creditors, Other Parties | 0.20  | \$ 50.00    |
|             |                | Sub Total (NMW)  | 4.05  | \$ 1,012.50 |
| RNS         | Robert Stebel  | Payroll & Employee Benefits                                | 0.00  | \$ -        |
|             |                | Sub Total (RNS)  | 0.00  | \$ -        |
| KJR         | Kelly Reed     | Accounts Payable and Receivable                            | 0.00  | \$ -        |
|             |                | Sub Total (KJR)  | 0.00  | \$ -        |
| NK          | Neda Khalaf    | Accounting Reports/Receivership Team Support               | 33.00 | \$ 5,280.00 |
|             |                | Sub Total (NK)   | 33.00 | \$ 5,280.00 |
| BA          | Brent Andrews  | IT Support & Administration                                | 0.00  | \$ -        |
|             |                | Sub Total (BA)   | 0.00  | \$ -        |
| MFN         | Mary Noel      | Investment Accounting/Support                              | 0.25  | \$ 37.50    |
|             |                | Accounts Payable and Receivable                            | 12.00 | \$ 1,800.00 |
|             |                | Sub Total (MFN)  | 12.25 | \$ 1,837.50 |
| Grand Total |                |  | 49.30 | \$ 8,130.00 |

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December 8, 2020

### **BILL SUMMARY**

70750 Nevada Health Co-Op ("NHC")

September 1, 2020 – September 30, 2020

| <b>Matter No. and Description</b>   | <b>Fees</b>        | <b>Costs</b>  | <b>Total</b>       |
|-------------------------------------|--------------------|---------------|--------------------|
| September 2020 Non-IT Services      | \$21,752.00        | \$0.00        | \$21,752.00        |
| September 2020 IT Services Flat Fee | 5,000.00           | 0.00          | 5,000.00           |
| <b>Totals</b>                       | <b>\$26,752.00</b> | <b>\$0.00</b> | <b>\$26,752.00</b> |

## Palomar Financial, LC

NEVADA HEALTH CO-OP  
PRIVILEGED AND CONFIDENTIAL  
SUMMARY REPORT  
PERIOD SEPTEMBER 2020

|   |                              | Billable<br>Hours | Billable<br>Rate | September 2020<br>Billing |
|---|------------------------------|-------------------|------------------|---------------------------|
| 1 | TIME KEEPER - Nicole Wilkins | 38.65             | \$250.00         | \$9,662.50                |
| 2 | TIME KEEPER - Robert Stebel  | 0.70              | \$160.00         | \$112.00                  |
| 3 | TIME KEEPER - Kelly Reed     | 30.15             | \$150.00         | \$4,522.50                |
| 4 | TIME KEEPER - Neda Khalaf    | 14.25             | \$160.00         | \$2,280.00                |
| 5 | TIME KEEPER - Brent Andrews  | 0.00              | \$150.00         | \$0.00                    |
| 6 | TIME KEEPER - Mary Noel      | 34.50             | \$150.00         | \$5,175.00                |
|   | GRAND TOTAL                  | 118.25            |                  | \$21,752.00               |



Palomar Financial, LC  
09/01/2020-09/30/2020  
Client: Nevada Health Co-Op ("NHC")

| Staff ID | Name               | Description                                  | Hours         | Amount              |
|----------|--------------------|--|---------------|---------------------|
| NMW      | Nicole Wilkins     | Accounting Reports/Receivership Team Support | 25.30         | \$ 6,325.00         |
|          |                    | General Ledger Accounting                    | 2.35          | \$ 587.50           |
|          |                    | Accounts Payable and Receivable              | 5.00          | \$ 1,250.00         |
|          |                    | Bank Account Administration/Reconciliation   | 1.95          | \$ 487.50           |
|          |                    | Claims Matters                               | 4.05          | \$ 1,012.50         |
|          |                    | <b>Sub Total (NMW)</b>                       | <b>38.65</b>  | <b>\$ 9,662.50</b>  |
| RNS      | Robert Stebel      | Claims Matters                               | 0.70          | \$ 112.00           |
|          |                    | <b>Sub Total (RNS)</b>                       | <b>0.70</b>   | <b>\$ 112.00</b>    |
| KJR      | Kelly Reed         | Accounting Reports/Receivership Team Support | 23.50         | \$ 3,525.00         |
|          |                    | Bank Account Administration/Reconciliations  | 6.65          | \$ 997.50           |
|          |                    | <b>Sub Total (KJR)</b>                       | <b>30.15</b>  | <b>\$ 4,522.50</b>  |
| NK       | Neda Khalaf        | Accounting Reports/Receivership Team Support | 14.25         | \$ 2,280.00         |
|          |                    | <b>Sub Total (NK)</b>                        | <b>14.25</b>  | <b>\$ 2,280.00</b>  |
| BA       | Brent Andrews      | IT Support & Administration                  | 0.00          | \$ -                |
|          |                    | <b>Sub Total (BA)</b>                        | <b>0.00</b>   | <b>\$ -</b>         |
| MFN      | Mary Noel          | Accounting Reports/Receivership Team Support | 17.75         | \$ 2,662.50         |
| MFN      | Mary Noel          | Investment Accounting/Support                | 0.25          | \$ 37.50            |
|          |                    | Accounts Payable and Receivable              | 16.50         | \$ 2,475.00         |
|          |                    | <b>Sub Total (MFN)</b>                       | <b>34.50</b>  | <b>\$ 5,175.00</b>  |
|          | <b>Grand Total</b> |  | <b>118.25</b> | <b>\$ 21,752.00</b> |

Invoice No.: 5477610  
File No. : 170678.010100  
Bill Date : September 15, 2020

Nevada Health Co-Op  
Cantilo & Bennett, L.L.P.  
c/o Mark F. Bennett, Esq.  
11401 Century Oaks Terrace, Suite 300  
Austin, TX 78758

**INVOICE**

Re: Asset Recovery matter in State Court

Legal Services through August 31, 2020:

Total Fees: \$ 57,543.00

Expenses:

|                      |        |
|----------------------|--------|
| Filing Fees          | 3.50   |
| Professional & Legal | 232.72 |
| Transcript Charges   | 353.32 |

Total Expenses: \$ 589.54

**Total Current Invoice: \$ 58,132.54**

MEF:TKK  
Tax ID: 13-3613083



Invoice No.: 5482178  
File No. : 170678.010300  
Bill Date : September 22, 2020

Nevada Health Co-Op  
Cantilo & Bennett, L.L.P.  
c/o Mark F. Bennett, Esq.  
11401 Century Oaks Terrace, Suite 300  
Austin, TX 78758

## **INVOICE**

Re: Federal Court of Claims

Legal Services through August 31, 2020:

Total Fees: \$ 173,477.50

**Total Current Invoice: \$ 173,477.50**

MEF:TKK  
Tax ID: 13-3613083



Invoice No.: 5477557  
File No. : 170678.010800  
Bill Date : September 15, 2020

Nevada Health Co-Op  
Cantilo & Bennett, L.L.P.  
c/o Mark F. Bennett, Esq.  
11401 Century Oaks Terrace, Suite 300  
Austin, TX 78758

## **INVOICE**

Re: NHC v. WellHealth, etc.

Legal Services through August 31, 2020:

Total Fees: \$ 1,565.00

**Total Current Invoice: \$ 1,565.00**

MEF:TKK  
Tax ID: 13-3613083



Invoice No.: 5477591  
File No. : 170678.010700  
Bill Date : September 15, 2020

Nevada Health Co-Op  
Cantilo & Bennett, L.L.P.  
c/o Mark F. Bennett, Esq.  
11401 Century Oaks Terrace, Suite 300  
Austin, TX 78758

## **INVOICE**

Re: Silver State Health Insurance Exchange

Legal Services through August 31, 2020:

Total Fees: \$ 2,145.00

**Total Current Invoice: \$ 2,145.00**

MEF:TKK  
Tax ID: 13-3613083



Invoice No.: 5508036  
File No. : 170678.010100  
Bill Date : October 26, 2020

Nevada Health Co-Op  
Cantilo & Bennett, L.L.P.  
c/o Mark F. Bennett, Esq.  
11401 Century Oaks Terrace, Suite 300  
Austin, TX 78758

## **INVOICE**

Re: Asset Recovery matter in State Court

Legal Services through September 30, 2020:

Total Fees: \$ 73,578.50

**Total Current Invoice: \$ 73,578.50**

MEF:TKK  
Tax ID: 13-3613083



Invoice No.: 5512631  
File No. : 170678.010300  
Bill Date : November 2, 2020

Nevada Health Co-Op  
Cantilo & Bennett, L.L.P.  
c/o Mark F. Bennett, Esq.  
11401 Century Oaks Terrace, Suite 300  
Austin, TX 78758

## **INVOICE**

Re: Federal Court of Claims

THIS INVOICE REPLACES INVOICE #5508037

Total Fees: \$ 106,989.00

**Total Current Invoice: \$ 106,989.00**

MEF:TKK  
Tax ID: 13-3613083

Invoice No.: 5508041  
File No. : 170678.010700  
Bill Date : October 26, 2020

Nevada Health Co-Op  
Cantilo & Bennett, L.L.P.  
c/o Mark F. Bennett, Esq.  
11401 Century Oaks Terrace, Suite 300  
Austin, TX 78758

**INVOICE**

Re: Silver State Health Insurance Exchange

Legal Services through September 30, 2020:

Total Fees: \$ 16,748.00

Expenses:

Filing Fees

10.50

Total Expenses: \$ 10.50

**Total Current Invoice: \$ 16,758.50**

MEF:TKK

Tax ID: 13-3613083





Invoice No.: 5508038  
File No. : 170678.010500  
Bill Date : October 26, 2020

Nevada Health Co-Op  
Cantilo & Bennett, L.L.P.  
c/o Mark F. Bennett, Esq.  
11401 Century Oaks Terrace, Suite 300  
Austin, TX 78758

## **INVOICE**

Re: Special Legal Receivership Matters

Legal Services through September 30, 2020:

Total Fees: \$ 47.50

**Total Current Invoice: \$ 47.50**

MEF:TKK  
Tax ID: 13-3613083

Invoice No.: 5533664  
File No. : 170678.010100  
Bill Date : November 18, 2020

Nevada Health Co-Op  
Cantilo & Bennett, L.L.P.  
c/o Mark F. Bennett, Esq.  
11401 Century Oaks Terrace, Suite 300  
Austin, TX 78758

**INVOICE**

Re: Asset Recovery matter in State Court

Legal Services through October 31, 2020:

Total Fees: \$ 174,813.50

Expenses:

Filing Fees

17.50

Total Expenses: \$ 17.50

**Total Current Invoice: \$ 174,831.00**

MEF:TKK

Tax ID: 13-3613083



Invoice No.: 5533649  
File No. : 170678.010300  
Bill Date : November 18, 2020

Nevada Health Co-Op  
Cantilo & Bennett, L.L.P.  
c/o Mark F. Bennett, Esq.  
11401 Century Oaks Terrace, Suite 300  
Austin, TX 78758

## **INVOICE**

Re: Federal Court of Claims

Legal Services through October 31, 2020:

Total Fees: \$ 7,440.50

**Total Current Invoice: \$ 7,440.50**

MEF:TKK  
Tax ID: 13-3613083



Invoice No.: 5533642  
File No. : 170678.010800  
Bill Date : November 18, 2020

Nevada Health Co-Op  
Cantilo & Bennett, L.L.P.  
c/o Mark F. Bennett, Esq.  
11401 Century Oaks Terrace, Suite 300  
Austin, TX 78758

## **INVOICE**

Re: NHC v. WellHealth, etc.

Legal Services through October 31, 2020:

Total Fees: \$ 2,077.50

**Total Current Invoice: \$ 2,077.50**

MEF:TKK  
Tax ID: 13-3613083



Invoice No.: 5533630  
File No. : 170678.010700  
Bill Date : November 18, 2020

Nevada Health Co-Op  
Cantilo & Bennett, L.L.P.  
c/o Mark F. Bennett, Esq.  
11401 Century Oaks Terrace, Suite 300  
Austin, TX 78758

## **INVOICE**

Re: Silver State Health Insurance Exchange

Legal Services through October 31, 2020:

Total Fees: \$ 3,191.50

Expenses:

Filing Fees

3.50

Total Expenses: \$ 3.50

**Total Current Invoice: \$ 3,195.00**

MEF:TKK

Tax ID: 13-3613083



Invoice No.: 5552233  
File No. : 170678.010100  
Bill Date : December 7, 2020

Nevada Health Co-Op  
Cantilo & Bennett, L.L.P.  
c/o Mark F. Bennett, Esq.  
11401 Century Oaks Terrace, Suite 300  
Austin, TX 78758

## **INVOICE**

Re: Asset Recovery matter in State Court

Legal Services through November 30, 2020:

Total Fees: \$ 75,961.50

Expenses:

Filing Fees 17.50

Subpoenas 35.00

Total Expenses: \$ 52.50

**Total Current Invoice: \$ 76,014.00**

MEF:TKK

Tax ID: 13-3613083



Invoice No.: 5552277  
File No. : 170678.010300  
Bill Date : December 7, 2020

Nevada Health Co-Op  
Cantilo & Bennett, L.L.P.  
c/o Mark F. Bennett, Esq.  
11401 Century Oaks Terrace, Suite 300  
Austin, TX 78758

## **INVOICE**

Re: Federal Court of Claims

Legal Services through November 30, 2020:

Total Fees: \$ 39,392.00

**Total Current Invoice: \$ 39,392.00**

MEF:TKK  
Tax ID: 13-3613083



Invoice No.: 5552238  
File No. : 170678.010800  
Bill Date : December 7, 2020

Nevada Health Co-Op  
Cantilo & Bennett, L.L.P.  
c/o Mark F. Bennett, Esq.  
11401 Century Oaks Terrace, Suite 300  
Austin, TX 78758

## **INVOICE**

Re: NHC v. WellHealth, etc.

Legal Services through November 30, 2020:

Total Fees: \$ 1,755.00

**Total Current Invoice: \$ 1,755.00**

MEF:TKK  
Tax ID: 13-3613083





Invoice No.: 5552237  
File No. : 170678.010700  
Bill Date : December 7, 2020

Nevada Health Co-Op  
Cantilo & Bennett, L.L.P.  
c/o Mark F. Bennett, Esq.  
11401 Century Oaks Terrace, Suite 300  
Austin, TX 78758

## **INVOICE**

Re: Silver State Health Insurance Exchange

Legal Services through November 30, 2020:

Total Fees: \$ 5,157.50

**Total Current Invoice: \$ 5,157.50**

MEF:TKK  
Tax ID: 13-3613083



Invoice No.: 5552236  
File No. : 170678.010500  
Bill Date : December 7, 2020

Nevada Health Co-Op  
Cantilo & Bennett, L.L.P.  
c/o Mark F. Bennett, Esq.  
11401 Century Oaks Terrace, Suite 300  
Austin, TX 78758

## **INVOICE**

Re: Special Legal Receivership Matters

Legal Services through November 30, 2020:

Total Fees: \$ 47.50

**Total Current Invoice: \$ 47.50**

MEF:TKK  
Tax ID: 13-3613083



***Invoice Remittance***

Mark Bennett  
Cantilo & Bennett, LLP  
11401 Century Oaks Terrace, Suite 300  
Austin, TX 78758  
mfbennett@cb-firm.com

October 8, 2020  
FTI Invoice No. 7560708  
FTI Job No. 400181.0551  
Terms NET 30  
Federal I.D. No. 52-1261113  
Currency: USD

Re: Nevada Health CO-OP Receivership - Surplus notes

Current Invoice Period: Charges Posted through September 30, 2020

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**Amount Due This Period**

|                                    |                   |
|------------------------------------|-------------------|
| Professional Services.....         | \$9,896.60        |
| Expenses .....                     | <u>\$0.00</u>     |
| <b>Amount Due this Period.....</b> | <b>\$9,896.60</b> |



***Invoice Remittance***

Mark Bennett  
Cantilo & Bennett, LLP  
11401 Century Oaks Terrace, Suite 300  
Austin, TX 78758  
mfbennett@cb-firm.com

November 10, 2020  
FTI Invoice No. 7563844  
FTI Job No. 425623.0005  
Terms NET 30  
Federal I.D. No. 52-1261113  
Currency: USD

Re: Nevada Health CO-OP in Receivership

Current Invoice Period: Charges Posted through October 31, 2020

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**Amount Due This Period**

|                               |                                  |
|-------------------------------|----------------------------------|
| Professional Services.....    | \$18,045.00                      |
| Expenses.....                 | <u>\$0.00</u>                    |
| <b>Total Amount Due .....</b> | <b><u><u>\$18,045.00</u></u></b> |



DEVITO CONSULTING, INC.  
JOSEPH J. DEVITO CONSULTING

November 12, 2020

Mr. Mark F. Bennett  
Cantilo & Bennett, LLP  
11401 Century Oaks Terrace  
Suite 300  
Austin, TX 78758

**Re: Work Related to Nevada Health CO-OP ("NHC")**

Dear Mr. Bennett:

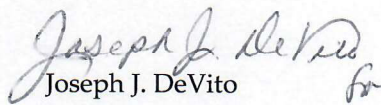
The following is a summary of consulting fees incurred from October 1, 2020 through October 31, 2020 in connection with the above-referenced matter.

Total Due - Consulting Fees

\$22,487.50

Details of time are provided in the enclosed schedules. Your prompt payment is appreciated.

Very truly yours,

  
Joseph J. DeVito  
President

Enclosures



DEVITO CONSULTING, INC.  
JOSEPH J. DEVITO CONSULTING

December 7, 2020

Mr. Mark F. Bennett  
Cantilo & Bennett, LLP  
11401 Century Oaks Terrace  
Suite 300  
Austin, TX 78758

**Re: Work Related to Nevada Health CO-OP ("NHC")**

Dear Mr. Bennett:


The following is a summary of consulting fees incurred from November 1, 2020 through November 30, 2020 in connection with the above-referenced matter.

Total Due - Consulting Fees

**\$7,962.50**

Details of time are provided in the enclosed schedules. Your prompt payment is appreciated.

Very truly yours,

  
Joseph J. DeVito  
President

Enclosures

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## EXHIBIT 2

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### Class C-L Claims



**NRS 696B.330(6) Claims Report of Allowed Amounts for Class C-L Claims**

| <b>Proof of Claim No.</b> | <b>Priority per NRS 696B.420(1)</b> | <b>Claimant Name</b>                    | <b>Total Allowed Amount</b> |
|---------------------------|-------------------------------------|---|-----------------------------|
| NHC1012                   | G                                   | Christopher Carothers                   | \$0.00                      |
| NHC1022                   | G                                   | Phi Long                                | \$14,400.00                 |
| NHC1023                   | G                                   | Safeguard Insurance, LLC                | \$8,633.12                  |
| NHC1026                   | G                                   | Eldorado Computing                      | \$2,707.50                  |
| NHC1027                   | G                                   | Eldorado Computing                      | \$2,000.00                  |
| NHC1028                   | G                                   | Eldorado Computing                      | \$0.00                      |
| NHC1029                   | G                                   | Eldorado Computing                      | \$2,000.00                  |
| NHC1030                   | G                                   | Eldorado Computing                      | \$7,820.00                  |
| NHC1031                   | G                                   | Eldorado Computing                      | \$15,930.00                 |
| NHC1032                   | G                                   | Eldorado Computing                      | \$8,977.50                  |
| NHC1033                   | G                                   | Eldorado Computing                      | \$0.00                      |
| NHC1034                   | G                                   | Eldorado Computing                      | \$0.00                      |
| NHC1035                   | G                                   | Eldorado Computing                      | \$0.00                      |
| NHC1038                   | G                                   | Insurance Group of Nevada               | \$10,882.83                 |
| NHC1042                   | G                                   | Judith A Tompa                          | \$424.10                    |
| NHC1060                   | D                                   | Internal Revenue Service                | \$493.65                    |
| NHC1062                   | G                                   | Frank Sposato                           | \$11,758.18                 |
| NHC1065                   | G                                   | David Mannina                           | \$2,716.51                  |
| NHC 1068                  | G                                   | Nevada Benefits                         | \$52,707.85                 |
| NHC 1072                  | G                                   | Michele Schulz                          | \$6,251.58                  |
| NHC 1078                  | G                                   | Tarkus Mossberg                         | \$479.59                    |
| NHC 1079                  | G                                   | Conrad Stork                            | \$2,000.00                  |
| NHC 1080                  | G                                   | Mayfair Management Group                | \$9,863.00                  |
| NHC 1083                  | G                                   | Janet Holland-Williams                  | \$640.09                    |
| NHC 1085                  | G                                   | Carl Cook                               | \$11,021.79                 |
| NHC 1087                  | G                                   | Elevate Insurance                       | \$12,473.35                 |
| NHC 1092                  | G                                   | Sun City Financial LLC                  | \$21,244.45                 |
| NHC 1097                  | G                                   | Afsar Amin-Akbari                       | \$331.07                    |
| NHC 1098                  | G                                   | Nancy Bellantine                        | \$1,732.93                  |
| NHC 1099                  | G                                   | Indegene Healthcare LLC Dr. Rajesh Nair | \$59,517.36                 |
| NHC 1102                  | G                                   | Brownstein Hyatt Farber Schreck LLP     | \$39,029.96                 |
| NHC 1105                  | G                                   | Nancy Joanne Buford                     | \$6,151.72                  |
| NHC 1107                  | G                                   | Health Services Coalition               | \$141,280.00                |
| NHC 1110                  | G                                   | Xerox Corporation                       | \$7,047.03                  |
| NHC 1111                  | G                                   | Charles Dean Richard                    | \$11,437.73                 |
| NHC 1117                  | DENIED                              | Stewart, Archibald & Barney LLP         | \$0.00                      |
| NHC 1125                  | G                                   | RLM LLC                                 | \$5,245.00                  |
| NHC 1126                  | G                                   | RLM Agency                              | \$116,702.31                |
| NHC 1132                  | G                                   | Walter Ross                             | \$4,605.59                  |
| NHC 1133                  | G                                   | 3800 Meadows                            | \$854,608.00                |
| NHC 1134                  | G                                   | 3900 Meadows                            | \$479,465.75                |
| NHC 1135                  | G                                   | Soledad Madrigal                        | \$7,000.00                  |
| N/A                       | LATE                                | Tillman Clifton, III                    | \$0.00                      |
| N/A                       | LATE                                | Silver State Health Ins. Exch.          | \$0.00                      |
|                           |                                     |   | <b>\$1,939,579.53</b>       |



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## EXHIBIT 3

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### Cash Flow Analysis

## NEVADA HEALTH CO-OP

### Cash Flow Analysis

Oct 2015 - Nov 2020

#### Sources & Uses

Beginning Cash as of October 1, 2015

\$ 5,352,417

#### SOURCES:

|   |                   |
|---|-------------------|
| Premium Revenue                           | 17,756,567        |
| CSR Recoveries                            | 2,347,121         |
| Rx Rebates                                | -                 |
| Claims Overpayment Recoveries             | 720,133           |
| PartnerRe 2014 Premium Refund             | 374,513           |
| Traditional Reins Recoveries              | 787,352           |
| FTR Reins Recoveries                      | 735,747           |
| Risk Corridor 2014                        | 1,163,872         |
| Federal Receivables Bridge Loan           | -                 |
| Restricted Cash became Unrestricted       | 768,517           |
| Sale of Risk Corridor Receivable Interest | 10,000,000        |
| Other                                     | 846,708           |
| <b>TOTAL SOURCES:</b>                     | <b>35,500,530</b> |

#### USES:

|  |              |
|--|--------------|
| Medical Claims Q4 2015 and Post 2015 Adj | (176,660)    |
| Rx Claims Q4 2015                        | (7,599,195)  |
| Risk Adjustment 2015                     | -            |
| Medical PMPMs Q4                         | (43,967)     |
| FTR Reinsurance Premium                  | (898,687)    |
| Traditional Reins Premium Q4 2015        | (547,319)    |
| Premium Tax                              | (294,665)    |
| Other Admin                              | (12,785,492) |
| 9010 ACA Fee / 720 PCORI Fee             | (161,242)    |
| Provider Claims Payments                 | (802,891)    |
| Professional Services                    | (12,852,121) |

#### TOTAL USES:

(36,162,240)

Net cash increase for period

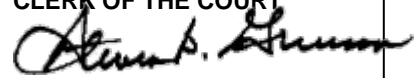
(661,709)

Ending Cash as of November 30, 2020

\$ 4,690,708

**TAB 52**

**TAB 52**



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 15<sup>TH</sup> day of January 2021. A copy of said Order  
is attached hereto as **Exhibit A**.

DATED this 15<sup>th</sup> 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 15<sup>th</sup> 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.

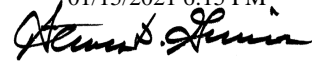
/s/ Evelyn Escobar-Gaddi  
An employee of GREENBERG TRAURIG, LLP

---

## 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 TRAUIG, 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

///

///

///

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  
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  
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Las Vegas, Nevada 89148-1302  
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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](mailto:JBailey@baileykennedy.com)>  
**Cc:** [cwudent@gtlaw.com](mailto:cwudent@gtlaw.com); [escobargaddie@gtlaw.com](mailto: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

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T +1 702.938.6890

[PruntyD@gtlaw.com](mailto:PruntyD@gtlaw.com) | [www.gtlaw.com](http://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

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| Joseph Liebman  | jliebman@baileykennedy.com  |
| Doreen Loffredo | dloffredo@foxrothschild.com |
| Shannon Fagin   | sfagin@bckltd.com           |

**TAB 53**

**TAB 53**





**NOAS (CIV)**  
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Nevada Bar No. 0137  
DENNIS L. KENNEDY  
NEVADA BAR NO. 1462  
JOSEPH A. LIEBMAN  
Nevada Bar No. 10125  
**BAILEY❖KENNEDY**  
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DKennedy@BaileyKennedy.com  
JLiebman@BaileyKennedy.com

*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

///

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///

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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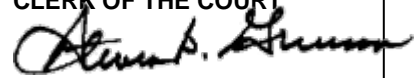
**CERTIFICATE OF SERVICE**

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  
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 15<sup>TH</sup> day of January 2021. A copy of said Order  
is attached hereto as **Exhibit A**.

DATED this 15<sup>th</sup> 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

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Telephone: (702) 792-3773

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*Counsel for Plaintiff*

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Las Vegas, Nevada 89135  
Telephone: (702) 792-3773  
Facsimile: (702) 792-9002

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on the 15<sup>th</sup> 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

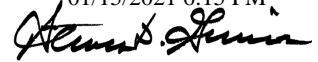
---

## EXHIBIT A

---

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



  
CLERK OF THE COURT

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

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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

///


///

///

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  
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*

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

20 BAILEY ♦ KENNEDY

21 */s/ John Bailey*

22 JOHN BAILEY, ESQ.  
23 JOSEPH A. LIEBMAN, ESQ.  
24 8984 Spanish Ridge Avenue  
25 Las Vegas, Nevada 89148-1302  
26 *Counsel for Defendants, Unite Here Health*  
27 *and Nevada Health Solutions, LLC*  
28

**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

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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](mailto:JBailey@baileykennedy.com)>  
**Cc:** [cwudent@gtlaw.com](mailto:cwudent@gtlaw.com); [escobargaddie@gtlaw.com](mailto: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

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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,  
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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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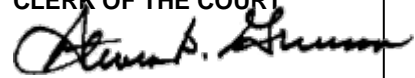
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|                 |                             |
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**TAB 54**

**TAB 54**



**OPPM**

MARK E. FERRARIO, ESQ.

Nevada Bar No. 001625

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Nevada Bar No. 008230

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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.

MILLIMAN, INC., a Washington  
Corporation; JONATHAN L. SHREVE, an  
Individual; MARY VAN DER HEIJDE, an  
Individual; MILLENNIUM CONSULTING  
SERVICES, LLC, a North Carolina  
Corporation; LARSON & COMPANY P.C., a  
Utah Professional Corporation; DENNIS T.  
LARSON, an Individual; MARTHA HAYES,  
an Individual; INSUREMONKEY, INC., a  
Nevada Corporation; ALEX RIVLIN, an  
Individual; NEVADA HEALTH  
SOLUTIONS, LLC, a Nevada Limited  
Liability Company; PAMELA EGAN, an  
Individual; BASIL C. DIBSIE, an Individual;

CASE NO. A-17-760558-B  
DEPARTMENT XVI

**OPPOSITION TO DEFENDANTS  
UNITE HERE HEALTH AND  
NEVADA HEALTH SOLUTIONS,  
LLC'S MOTION TO STRIKE JURY  
DEMAND**

DATE OF HEARING: MARCH 10, 2021  
TIME OF HEARING: 9:30 A.M.

LINDA MATTOON, an Individual; TOM  
ZUMTOBEL, an Individual; BOBBETTE  
BOND, an Individual; KATHLEEN SILVER,  
an Individual; UNITE HERE HEALTH, is a  
multi-employer health and welfare trust as  
defined in ERISA Section 3(37); DOES I  
through X inclusive; and ROE  
CORPORATIONS I-X, inclusive,  
  
Defendants.

Plaintiff STATE OF NEVADA, EX REL. COMMISSIONER OF INSURANCE,  
BARBARA D. RICHARDSON, IN HER OFFICIAL CAPACITY AS RECEIVER FOR  
NEVADA HEALTH CO-OP ("Plaintiff") by and through her counsel of record, the law firm  
of Greenberg Traurig, LLP, hereby submits the following Opposition to Defendants Unite  
Here Health and Nevada Health Solutions, LLC's Motion to Strike Jury Demand ("Motion").

This Opposition is based on the papers and pleading on file herein, the attached  
memorandum of points and authorities, and any exhibits attached hereto, and any oral  
argument his Court may choose to entertain at the time of hearing.

DATED this 12th day of February 2021.

GREENBERG TRAURIG, LLP

/s/ Donald L. Prunty

MARK E. FERRARIO, ESQ.

Nevada Bar No. 001625

DONALD L. PRUNTY, ESQ.

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*Counsel for Plaintiff*

## **MEMORANDUM OF POINTS AND AUTHORITIES**

### **I. Introduction**

More than three years after the jury demand was made, Defendants Nevada Health Solutions, LLC (“NHS”)<sup>1</sup> and Unite Here Health (“UHH”) (collectively, “Defendants”) suddenly filed the instant Motion seeking to enforce three jury trial waivers contained in three separate agreements (the “Jury Trial Waivers”) to which the Plaintiff was not a signatory. Despite their undue delay in bringing this Motion, Defendants seek to deprive the Plaintiff, and all those whose interests she represents, of the constitutional right to a jury trial based on jury waivers found in contracts created long before Plaintiff was assigned as receiver in this case. Specifically, Defendants cite to: (1) a Consulting Agreement between Hospitality Health and UHH dated January 30, 2013 (the “Consulting Agreement”); (2) an Administrative Services Agreement between NHC and UHH, dated June 27, 2013 (the “Administrative Services Agreement”); and (3) a Management Services Agreement between NHC and NHS.<sup>2</sup> However, Plaintiff, in her capacity as Receiver of the Nevada Health Co-Op (“NHC”) was not a party to any of these agreements.

Moreover, Defendants have waived their right to seek enforcement of jury trial waivers, as they participated in status check hearings wherein jury trial settings were discussed, failed to object to multiple orders setting the matter for a jury trial, and even cited potential juror confusion as a basis for seeking a stay of the proceedings. Additionally, as the Receiver was not a signatory to the agreements, and cannot be considered to have simply stepped into the shoes of NHC, there is no basis on which the jury trial waivers may be enforced against the Receiver. As shown below, Courts have repeatedly found that receivers appointed pursuant to insurance regulations, for the purpose of rehabilitating or liquidating an insolvent insurer, do not simply “step into the shoes” of that insurer, but instead, are acting in

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<sup>1</sup> NHS was named in the original action and therefore has been aware of the jury demand at issue herein for more than three years.

<sup>2</sup> See Defendants Unite Here Health and Nevada Health Solutions, LLC’s Motion to Strike Jury Demand (the “Motion”) on file herein at p. 3:17-6:1.

1 the interest of the public. Thus, the underlying basis of Defendants' Motion—that the receiver  
2 stepped into the shoes of the insurer—lacks merit. Finally, even if this Court were to consider  
3 the jury waivers at issue, there are substantial questions regarding the validity of the  
4 agreements and discovery is ongoing.

## 5 **II. Facts Relevant to This Motion**

6 NHC filed its Complaint, which included claims against NHS, on August 25, 2017  
7 and filed its demand for jury trial on September 7, 2017. NHS filed its answer on  
8 November 11, 2017 which did not include an objection to a jury trial. UHH, represented by  
9 the same counsel as NHS, filed its answer to the Amended Complaint on October 22, 2018  
10 which likewise did not object to a jury trial.

11 On April 17, 2019, NHS and UHH filed their Opposition to Plaintiff's Motion to  
12 Extend Discovery Deadlines on OST and Countermotion to Extend All Remaining Deadlines  
13 and Trial in which neither party noted any objection to the new trial setting also being for a  
14 jury trial stack.

15 On May 5, 2019, this Court entered its Second Amended Order Setting Civil Jury Trial,  
16 Pre-Trial, Calendar Call, and Deadlines for Motions; Amended Discovery Scheduling Order.  
17 That Order set the matter for the five-week jury trial stack beginning January 27, 2020.  
18 Again, Defendants did not object to the jury trial setting during the hearing held on April 25,  
19 2019, or following the issuance of the Order.

20 On September 10, 2019, UHH filed its Supplemental Brief on Motion to Stay. Therein,  
21 UHH made arguments in support of a stay that reference questions that would be presented  
22 to the jury. *See* Supplemental Brief, 31:1-11; 32:16-19; 36:18-23; 40:7-7; 42:16-25.  
23 Defendants again referenced the need for clarity of questions to be presented to the jury in  
24 their Reply in Support of Their Supplemental Brief on Motion to Stay, filed on September 30,  
25 2019. *See* Reply, 4:13-18.

26 On November 11, 2019, this Court entered its Third Amended Order Setting Civil Jury  
27 Trial, Pre-Trial, Calendar Call, and Deadlines for Motions; Amended Discovery Scheduling  
28 Order. That Order set the matter for the five week jury trial stack beginning October 5, 2020.

Defendants did not object to the jury trial setting during the November 6, 2019 status check hearing or following issuance of the Order.

On May 13, 2020, this Court entered its Fourth Order setting the matter for the five week jury trial stack beginning May , 2021. Defendants did not object to the jury trial setting during the April 30, 2020 status check hearing or following issuance of the Order.

For more than 36 months, Plaintiff's Demand for Jury Trial was unchallenged. It was not until October 10, 2020, that Defendants raised any objection to the long-planned jury trial. On October 15, 2020, Defendants filed a Motion for Leave to File a Third Party Complaint, seeking contribution against two entities. Moreover, Defendants contended that the addition of the "third party defendants would not cause delay of the trial or complicate the trial." Oct. 15, 2020 Motion, 11:22-25. Additionally, Defendants argued that joining the parties would avoid the possibility of inconsistent verdicts and the waste of multiple suits the third party – thus, implicitly indicating a single trial. *Id.* at 12:1-14, 22-25. Yet there is nothing to indicate that either of the proposed third party defendants would not be entitled to a jury trial.

## II. Legal Argument

The Motion to Strike the Jury Demand should be denied. The courts of Nevada have long recognized this Court's authority to grant relief from a waiver of jury trial under Rule 39 and found setting a matter for a jury trial to be the "**better policy**". *See, e.g., Walton v. Eighth Judicial Dist. Ct.*, 94 Nev. 690, 695 (1978) (citing, *De Remer v. Anderson*, 41 Nev. 287, 169 P. 737 (1918)) (emphasis added). Indeed, the Nevada Constitution provides: "[t]he right of trial by Jury shall be secured to all and remain inviolate **forever**." Nevada Const. Art. 1, § 3; *see also*, NRCp 38(a). (emphasis added).

Plaintiff has been preparing its case for a jury trial and would be prejudiced, if after over three years it had to change its strategy. Defendants' Motion is too late, and they have forfeited and waived any right to make the arguments set forth therein, by not timely advancing the same at some earlier stage of these proceedings. Moreover, even if the

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Defendants' Motion was timely, the Receiver cannot be bound by the jury trial waiver here.

**A. The Motion to Strike Should Be Denied as Untimely.**

The Motion to Strike should be denied, as it is untimely, and Defendants are estopped from seeking to enforce the jury waivers contained in the contracts. Neither of the Defendants' Answers to the Amended Complaint, filed *after* the Jury Demand was of record, raised the anti-jury clauses as an affirmative defense. Additionally, no attempt was made to invoke those clauses until 37 months after the Demand was filed. Throughout that time, the parties have proceeded on the assumption that trial would be to a jury, and have prepared accordingly.

Like any contractual provision, a provision that waives a right to a jury trial may itself be waived. *See, 3300 Partners, LLC v. Eighth Judicial Dist. Court of Nev.*, No. 74897 (Nev. Jan. 30, 2018) (declining mandamus where district court deemed jury trial waiver to have been waived by two year delay in filing motion to strike). Here, the delay was even longer than in *3300 Partners, LLC*,

Moreover, the Defendants here did more than simply delay seeking to enforce the jury trial waivers. They have also acted inconsistently with an expectation of a bench trial. For example, they relied on potential jury confusion in seeking a stay. *See* Supplemental Brief filed September 10, 2019, 31:1-11; 32:16-19; 36:18-23; 40:7-7.; 42:16-25. More recently, UHH sought leave to file a third-party complaint against entities its claims would be liable to it for contribution, indicating their inclusion as third parties would avoid the expense and risk of inconsistency of multiple trials, even though there is no basis to force bench trials as to those entities.

Nevada courts have long noted that the right to arbitrate claims may be waived, even though this form of jury trial waiver are statutorily protected. *See, e.g. County v. Blanchard*, 98 Nev. 488, 653 P.2d 1217 (1982) (arbitration clause may be waived by a litigant's participation in litigation prior to invoking the clause). In such cases, among the facts the Court must consider is whether the entity seeking to enforce the contractual clause has

engaged in conduct inconsistent with such enforcement. *Nevada Gold Casinos v. American Heritage*, 121 Nev. 84, 91 (Nev. 2005).

Prejudice may be shown where enforcement of a previously ignored provision would require duplication of efforts. *Nevada Gold Casinos v. American Heritage*, *supra*. Nor it is appropriate for parties to “test” the waters before enforcing a contract trial right. Here, the parties have engaged in significant discovery with the view that a jury trial would be had, and accordingly, the attorneys have pursued such discovery with an eye to preparing presentations for a jury of laymen, rather than for a bench trial. Given the timing of their Motion, Defendants have determined that the evidence revealed by discovery would not sway a jury to their position. However, they should not be permitted to change horses midstream, as they seek through the instant Motion.

**B. The Contractual Jury Trial Waivers are not Binding Upon Plaintiff**

Defendants argue that the Jury Trial Waivers are valid and enforceable based solely on the fact that Plaintiff was appointed as the receiver for a now defunct health care co-op.<sup>3</sup> Specifically, Defendants argue “[t]he Receiver is standing in the shoes of NHC, and cannot avoid NHC’s waiver of a jury trial.”<sup>4</sup> However, Defendants’ arguments miss the mark as Plaintiff cannot, and should not, be bound by the jury waivers at issue in the Motion.

Defendants, as the party seeking to enforce the waiver of the right to a jury trial, bear the burden of demonstrating the Jury Trial Waivers are valid. *See, Phx. Leasing v. Sure Broad.*, 843 F. Supp. 1379, 1384 (D. Nev. 1994). In determining the enforceability of jury trial waivers, the Ninth Circuit has previously held “[u]nlike arbitration clauses, courts generally construe jury waivers narrowly.” *Paracor Finance, Inc. v. General Electric Capital Corp.*, 96 F.3d 1151, 1167 n. 21 (9th Cir. 1996) (emphasis added). To be valid and enforceable, a jury waiver must be entered into knowingly, voluntarily and intentionally. *Lowe Enters. Residential Ptnrs., Ltd. P’ship v. Eighth Judicial Dist. Court*, 118 Nev. 92, 100-

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<sup>3</sup> See Mot. at p. 10:12-11:11.

<sup>4</sup> Mot. at p. 11:10-11.



01, 40 P.3d 405, 410-11 (2002) (emphasis added). The factors to consider in determining whether a contractual waiver of the right to jury trial was entered into knowingly and voluntarily include: (1) the parties’ negotiations concerning the waiver provision, if any (2) the conspicuousness of the provision, (3) the relative bargaining power of the parties and (4) whether the waiving party’s counsel had an opportunity to review the agreement. *Id.*

Here, the Plaintiff is not, and never was, a signatory to any of the contracts containing the jury waivers. Accordingly, she cannot be held to the jury waiver contained therein. Significantly, rather than relying on caselaw construing jury trial waivers, Defendants cite caselaw regarding the transferability of arbitration provisions—which clauses benefit from a policy favoring arbitration, while, as noted above, jury trial waivers are construed narrowly. *See, Bennett v. Liberty Nat’l Fire Ins. Co.*, 968 F.2d 969, 971 (9th Cir. 1992) (“questions of arbitrability must be addressed with a *healthy regard for the federal policy favoring arbitration.*”); *Paracor Finance, Inc., supra*. Thus, except to the extent that waivers of the contractual language is concerned, case law interpreting the enforceability of an arbitration provision bears no meaning on the determination of the enforceability of a jury trial waiver.

Unsurprisingly, Defendants fail to cite to a single case discussing the application of a jury waiver to a receiver of a defunct insurance company. Instead, Defendants rely solely on cases from throughout the country discussing the application of an arbitration provision which, again, is an entirely different consideration for this court.<sup>5</sup> But given the glaring difference in the enforceability of jury waivers and arbitration clauses, Defendants have not met their burden of demonstrating the Jury Trial Waivers are valid and enforceable against Plaintiff. *See, Phx. Leasing*, 843 F. Supp. at 1384.

### 1. The Receiver Does Not Simply “Step Into the Shoes” of NHC

In moving to strike the jury demand in this case, Defendants seek to enforce the Jury Waiver Provisions in three contracts to which Plaintiff was not a signatory. It goes without

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<sup>5</sup> Specifically, Defendant cites to *Bennet v. Liberty Nat’l Fire Ins. Co.*, 968 F.2d 969, 972 (9th Cir. 1992); *Ommen v. Ringlee*, 941 N.W.2d 310, 312 (Iowa 2020); and *Milliman, Inc. v. Roof*, 353 F. Supp. 3D 588 (E.D. Ky. 2018), each of which concerned the application of an arbitration provision.

1 saying that a contract generally cannot bind a non-party. *See, County of Clark v. Bonanza*  
2 *No. 1*, 96 Nev. 643, 648–49, 615 P.2d 939, 943 (1980). This matter is no exception. In an  
3 attempt to side step this tenet of contract law and bind Plaintiff to the Jury Trial Waivers,  
4 Defendants argue the “Receiver steps into the shoes of the insolvent insurer, and is  
5 accordingly bound to the terms of the insurer’s pre-insolvency contracts.”<sup>6</sup> However,  
6 Defendants’ over-generalized argument does not stick in this case.

7 Contrary to Defendant’s assertions, a liquidator or receiver of a defunct insurance  
8 company does not simply “stand in the shoes” of an insolvent insurer, because he or she also  
9 represents the insureds, policyholders, and creditors of that entity. Courts have long  
10 recognized that a receiver appointed pursuant to insurance regulations to marshal the assets  
11 of an insolvent insurer does not act “merely to prosecute claims of an entity under  
12 receivership.” *Arthur Andersen v. Superior Court*, 67 Cal. App. 4<sup>th</sup> 1481, 1495 (Cal. Ct. App.  
13 1998). Accordingly, the notion that such a Receiver merely steps into the shoes of the  
14 insolvent receiver, and therefore, is bound to whatever obligations with respect to jury trials  
15 that the insolvent insurer would have been bound by have long been rejected. Instead, the  
16 Receiver is representing the claims of the policyholders, with the primary goal being to satisfy  
17 the claims of policyholders and fulfill their insurance coverage needs. In short, a receiver in  
18 such circumstances is engaged in public protection. *See, Donelo v. Shilling*, No. 2019-C-  
19 00514, at \*5 (La. Apr. 27, 2020) (“The Commissioner of Insurance as rehabilitator or  
20 liquidator owes an overriding duty to the people of the State of Louisiana.”); *Taylor v. Ernst*  
21 *& Young*, 130 Ohio St. 3d 411, 419 (Ohio 2011) (“The fact that any judgments in favor of the  
22 liquidator accrue to the benefit of insureds, policyholders, and creditors means that the  
23 liquidator’s unique role is one of public protection....”); *Corcoran v. Ardra Ins. Co.*, 77  
24 N.Y.2d 225, 232 (N.Y. 1990) (Superintendent of Insurance “holds office as liquidator *solely*  
25 *to protect the interests of policyholders, stockholders and the public* and has no authority to  
26 pursue the commercial interests which motivated the original parties to conclude the  
27

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28 <sup>6</sup> Mot. at 10:15-18.

reinsurance agreements.”) (emphasis added); *see also, LeBlanc v. Bernard*, 554 So. 2d 1378, 1381 (La. Ct. App. 1990) (finding that Commissioner of Insurance as Liquidator exercises the police power of the state in marshalling the assets of insolvent insurer). *Corcoran v. Ardra Ins. Co.*, 77 N.Y.2d 225, 233, 567 N.E.2d 969, 973 (1990). This distinction is critical. Here, Defendants seek to deprive Plaintiff of its constitutional right to a jury trial on these matters simply because Plaintiff was appointed to conserve and preserve the affairs of the Co-Op under NRS 696B. This is not a garden variety receivership case and any assertion to the contrary is disingenuous. Moreover, this is not an instance where the Defendants are seeking to enforce an arbitration provision—a provision typically favored by courts for its efficiency. Rather, this is a matter in which the Plaintiff has been directed to rehabilitate or liquidate the Co-Op’s business affairs. In so doing, the Plaintiff represents the interests of each and every insured, policyholder, and creditor. Thus, to argue Plaintiff simply “steps into the shoes of NHC” is misleading. Moreover, to bind Plaintiff to a Jury Trial Waiver to which it never agreed would deprive each and every insured, policyholder and creditor of the right to have this matter decided by the jury—a right afforded by the Nevada Constitution.

This premise is even more troubling when considering the fact that the insureds, policyholders and creditors, whose interests the Plaintiff is tasked with protecting, have absolutely no connection to the Jury Trial Waivers or the contracts in which they are contained. *That is, the insureds, policyholders and creditors have never considered nor agreed to waive the right to a jury trial in this case.* To find otherwise would unjustly deprive those individuals’ and their interests in this case, of their constitutional right to a jury trial.

As the Receiver cannot be bound by the jury trial waivers, the Motion to Strike Jury Demand must be denied.

**C. There are Substantial Questions Regarding the Validity of the Underlying Agreements and Discovery is Ongoing**

Defendants’ Motion is premised on the fact that the Jury Trial Waivers are contained in certain agreements held by NHC—the defunct insurance entity for which Plaintiff was appointed the receiver. True as this may be, there remain substantial questions regarding the

1 validity of those specific underlying agreements to be borne out during discovery which is  
2 ongoing. Indeed, questions remain regarding the validity of the contracts at issue in this case  
3 including whether the agreements at issue were true arm's length deals. Existing evidence  
4 shows that the contracts at issue in this case were the result of the complicit actions of high-  
5 level employees of NHC who simultaneously held managerial positions at UHH.

6 Through documents already produced, it is evident that (a) critical upper level  
7 employees of NHC were effectively "on loan" from UHH and coerced the formation of the  
8 contracts at issue.<sup>7</sup> Moreover, NHC's former CEO drafted a document, already been  
9 produced in discovery, which provides:

10 **"I was pressured to sign the TPA & UR contracts:** Tom Zumtobel and  
11 Bobbette Bond, both employees of UNITE HERE HEALTH, need two  
12 lucrative Core Contracts, the contract for Utilization Review (the "UR  
13 Contract") and the Contract for Third Party Administration services (the  
14 "TPA Contract") signed by a third person. This is because both these  
15 contracts are between the Nevada Health COOP and their employer UNITE  
16 HERE HEALTH or companies related to UNITE HERE HEALTH. For that  
17 reason, Tom Zumtobel and Bobbette Bond couldn't be on both side of the  
18 transaction. Either of their signatures on those contracts, on behalf of the  
19 COOP, would have demonstrated in writing their clear conflict of interest.  
20 They needed someone to sign those contracts that didn't know the two  
21 companies the COOP was contracting with were not legally capable of  
22 performing the contracted services in Nevada."

23 **See Exhibit 1.**

24 In addition to written discovery not yet completed, Plaintiff has not yet completed the  
25 depositions of the D&O Defendants, the contents of which will bear directly on the validity  
26 of the contracts in question. Discovery is not currently set to close until December 31, 2021.  
27 Given the substantial impact of the foregoing on the questions raised in the Motion,  
28 consideration of the Jury Trial Waivers should not occur before the completion of discovery.  
29 Thus, additional discovery is required to determine whether the Jury Trial Waivers were  
30 entered into knowingly, voluntarily, and intentionally as required to enforce the same upon

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<sup>7</sup> See generally Amended Complaint on file herein.

1 Plaintiff. *See, Lowe Enters. Residential Ptnrs.*, 118 Nev. at 100-01. For that reason alone,  
2 Defendants' Motion should—at a minimum—be denied without prejudice.

3 **IV. Conclusion**

4 For the foregoing reasons, Plaintiff respectfully requests that this Court deny  
5 Defendants Unite Here Health and Nevada Health Solutions, LLC's Motion to Strike Jury  
6 Demand.

7 DATED this 12th day of February 2021.

8 GREENBERG TRAURIG, LLP

9 /s/ Donald L. Prunty

10 MARK E. FERRARIO, ESQ.

11 Nevada Bar No. 001625

12 DONALD L. PRUNTY, ESQ.

13 Nevada Bar No. 008230

14 GLENN F. MEIER, ESQ.

15 Nevada Bar No. 006059

16 10845 Griffith Peak Drive, Suite 600

17 Las Vegas, Nevada 89169

18 ***Counsel for Plaintiff***

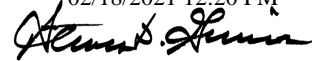
**CERTIFICATE OF SERVICE**

I hereby certify that on this **12th day of February 2021**, a true and correct copy of the foregoing **OPPOSITION TO DEFENDANTS UNITE HERE HEALTH AND NEVADA HEALTH SOLUTIONS, LLC'S MOTION TO STRIKE JURY DEMAND** was submitted for service 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

**TAB 55**

**TAB 55**



CLERK OF THE COURT

**MOT**

MARK E. FERRARIO, ESQ.  
Nevada Bar No. 01625  
DONALD L. PRUNTY, ESQ.  
Nevada Bar No. 08230  
GLENN F. MEIER, ESQ.  
Nevada Bar No. 06059  
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pruntyd@gtlaw.com  
meierg@gtlaw.com

***Counsel for Plaintiff***

**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,

Defendants.

CASE NO. A-15-725244  
DEPARTMENT 21

**[HEARING REQUESTED]**

**MOTION TO APPROVE  
PROFESSIONAL FEE RATES ON  
ORDER SHORTENING TIME**

HEARING DATE:

HEARING TIME:

COMES NOW, Commissioner of Insurance Barbara D. Richardson in her capacity as Receiver of Nevada Health CO-OP (“NHC,” or the “CO-OP”), by and through her counsel of record, the law firm of Greenberg Traurig, LLP, and submits the following Motion to Approve Professional Fee Rates on order shortening time. This Motion is based upon the following Memorandum of Points and Authorities, the Declaration of Donald L. Prunty, the Exhibits

///



1 attached hereto, the papers and pleadings on file herein, and any oral argument to be  
2 entertained by the Court on this matter.

3 RESPECTFULLY SUBMITTED this 17<sup>th</sup> day of February 2021.

4 GREENBERG TRAURIG, LLP

5 By: /s/ Donald L. Prunty

6 MARK E. FERRARIO, ESQ.

7 Nevada Bar No. 01625

8 DONALD L. PRUNTY, ESQ.

9 Nevada Bar No. 08230

10 GLENN F. MEIER, ESQ.

11 Nevada Bar No. 06059

12 10845 Griffith Peak Drive, Suite 600

13 Las Vegas, Nevada 89135

14 *Counsel for Plaintiff*

15 **ORDER SHORTENING TIME**

16 Upon the Declaration of Donald L. Prunty, Esq., and with good cause appearing,

17 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that the time for  
18 hearing on the above-entitled matter will be shortening and will be heard on the 24<sup>th</sup> day  
19 of February, 2021, at the time of 3:00 am. before Department 21 of the  
20 Eighth Judicial District Court, located at the Regional Justice Center, 200 Lewis Avenue, Las  
21 Vegas, Nevada 89155. Opposition due no later than 9:00 am 2/22/2021.

22 Dated this 18<sup>th</sup> day of February, 2021

23   
DISTRICT COURT JUDGE

24 *Respectfully Submitted by:*  
25 GREENBERG TRAURIG, LLP

26 538 0D1 5C31 E909  
27 Tara Clark Newberry  
28 District Court Judge

29 /s/ Donald L. Prunty

30 MARK E. FERRARIO, ESQ.

31 DONALD L. PRUNTY, ESQ.

32 GLENN F. MEIER, ESQ.

33 10845 Griffith Peak Drive, Suite 600

34 Las Vegas, Nevada 89135

35 *Counsel for Plaintiff*

36 BLUEJEANS INFORMATION:  
37 Meeting URL:

38 <https://bluejeans.com/741906088>

Meeting ID: 741 906 088

**DECLARATION OF DONALD L. PRUNTY, ESQ. IN SUPPORT OF**  
**ORDER SHORTENING TIME**

1           I, Donald L. Prunty, am an attorney at the law firm of Greenberg Traurig, LLP,  
2  
3 counsel of record for Plaintiff Barbara D. Richardson, Commissioner of Insurance for the  
4 State of Nevada, in her official capacity as Permanent Receiver of Nevada Health CO-OP. I  
5 am licensed to practice law in the state of Nevada and I am a member of the Nevada State Bar  
6 in good standing.  
7

8           The following facts are based upon my personal knowledge, unless stated  
9 otherwise. I am competent to testify as to the facts stated herein and will so testify if called  
10 upon to do so. I make this Declaration in support of the Order Shortening Time on the Motion  
11 to Approve Professional Fees submitted concurrently herewith.

12           Good cause exists to hear this Motion on shortened time due to the urgent need  
13 to evaluate and brief matters in connected cases (*State of Nevada, ex rel. Commissioner of*  
14 *Insurance Barbara D. Richardson, in her Official Capacity as Receiver for Nevada Health*  
15 *CO-OP, v. Silver State Health Insurance Exchange*, Case No. A-20-816161-C (the “Silver  
16 State Matter”) and *State of Nevada, Ex Rel Commissioner of Insurance, Barbara D.*  
17 *Richardson, in her Official Capacity as Receiver for Nevada Health Co-Op v. Milliman, Inc.*  
18 *et al.*, Case No. A-17-760558-B (the “Asset Recovery Matter”) by conflicts counsel.

19           Specifically, on January 8, 2021, Silver State Health Insurance Exchange (the  
20 “Exchange”) filed a Motion for Leave to File Third-Party Complaint seeking to name Xerox  
21 State Healthcare, LLC (now known as Conduent State Healthcare, LLC) (“Xerox”) in the  
22 Silver State Matter.

23           Additionally, on January 15, 2021 Defendants Unite Here Health and Nevada  
24 Health Solutions, LLC (the “UHH Defendants”) filed a Motion for Leave to File Third-Party  
25 Complaint in the Asset Recovery Matter seeking to name Xerox and the Exchange as  
26 defendants.

27 ///

28 ///

6. Shortly thereafter, on January 19, 2021 the UHH Defendants filed a Motion to Consolidate in the Asset Recovery Matter seeking to consolidate that case with the Silver State Matter.

7. In the Asset Recovery or Exchange Matters, in addition to the motions described above, settlements, discovery, motions, appeals, writs, and other related matters may arise that involve Xerox matters.

8. Upon agreement with the Lewis Roca law firm as the need arises, the Receiver and Special Deputy Receiver may also have need for the Lewis Roca firm to act as outside conflicts counsel to address other matters in which Greenberg Traurig is not representing the receivership estate.

9. Greenberg Traurig, the CO-OP's primary counsel, previously represented Xerox.

10. Previously approved conflicts counsel for the CO-OP has declined further representation as additional parties added to related cases has caused such counsel to reconsider its ability or willingness to represent the CO-OP.

11. The Receiver and Mark Bennett, in his discretion as the authorized representative of the Special Deputy Receiver of the CO-OP, have determined to retain outside conflicts counsel to address the aforementioned Motions in paragraphs 4, 5, and 6 above, including matters that concern Xerox as covered in paragraph 7 above or other matters arising as covered in paragraph 8 above.

12. If this Motion is heard in the ordinary course and not on an order shortening time, Plaintiff's proposed conflicts counsel will have insufficient time to respond to the first of these aforementioned motions, when due, by February 22, 2021.

13. Pursuant to NRS 53.045, I declare under penalty of perjury that under the laws of the state of Nevada that the foregoing is true and correct to the best of my knowledge.

*/s/ Donald L. Prunty*  
DONALD L. PRUNTY, ESQ.  
Declarant

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. Background**

3 The Nevada Health CO-OP (hereinafter “NHC” or the “CO-OP”) was a state-licensed  
4 health insurer, formed in 2012 as a Health Maintenance Organization, with a Certificate of  
5 Authority granted by the State of Nevada Division of Insurance effective January 2, 2013.  
6 NHC was formed under a provision of the Patient Protection and Affordable Care Act  
7 (“ACA”) providing for the formation of Consumer Operated and Oriented Plans. Having  
8 received from the Centers for Medicare and Medicaid Services (“CMS”) of the United States  
9 Department of Health and Human Services (“HHS”) a start-up loan of \$17,080,047, and a  
10 “solvency” loan of \$48,820,349, NHC was required to operate as a non-profit, consumer-  
11 driven health insurance issuer for the benefit of the public. The CO-OP’s primary business  
12 was to provide ACA-compliant health coverage to residents of Nevada, and it operated its  
13 business for the benefit of Nevadans within the state, save for certain arrangements to provide  
14 nationwide health coverage to Nevadans traveling outside the state in certain circumstances.  
15 NHC began selling products on and off the Silver State Health Insurance Exchange (the  
16 “Exchange”) on October 1, 2013. Its products included individual, small group, and large  
17 group health care coverages.

18 On October 1, 2015, this Court issued its Order Appointing the Acting Insurance  
19 Commissioner, Amy L. Parks as Temporary Receiver of NHC Pending Further Orders of the  
20 Court and Granting Temporary Injunctive Relief Pursuant to NRS 696B.270. Further, on  
21 October 14, 2015, the Receivership Court entered its Permanent Injunction and Order  
22 Appointing Commissioner as Permanent Receiver of Nevada Health CO-OP, appointing the  
23 law firm of Cantilo & Bennett, L.L.P. as SDR of NHC, in accordance with Chapter 696B of  
24 the Nevada Revised Statutes.

25 Via a Notice of Substitution of Receiver dated April 6, 2016, Deputy Attorney General  
26 Joanna N. Grigoriev informed interested parties of the substitution of Commissioner Barbara  
27 D. Richardson, in place and stead of former Acting Commissioner Amy L. Parks, as the  
28 ///

1 Receiver of NHC. This substitution of Receiver was subsequent to Commissioner  
2 Richardson's appointment as Commissioner of Insurance for the State of Nevada.

3 This Court, through its Final Order Finding and Declaring Nevada Health CO-OP to  
4 be Insolvent and Placing Nevada Health CO-OP into Liquidation (the "Final Order") dated  
5 September 20, 2016, adjudged NHC to be insolvent. The Final Order also authorized the  
6 Receiver to liquidate the business of NHC and wind up its ceased operations pursuant to  
7 applicable Nevada law. The Receiver has since transitioned the receivership estate from  
8 rehabilitation to liquidation.

9 On January 19, 2016 Judge Cory approved the employment of Greenberg Traurig and  
10 Santoro Whitmire as legal counsel to the CO-OP.<sup>1</sup> Greenberg Traurig was to serve as primary  
11 counsel with Santoro Whitmire serving as conflicts counsel for the CO-OP.

## 12 **II. Pending Actions For Further Legal Representation**

13 a. The CO-OP is currently litigating two (2) relevant Motions in the Asset  
14 Recovery Matter, along with a Motion in the Exchange matter. These matters are in addition  
15 to this Receivership case, and such matters are brought in the Eighth Judicial District Court  
16 in an effort to recover any and all potential assets.<sup>2</sup>

### 17 **i. Silver State Health Insurance Exchange**

18 Through the filing of a Complaint dated June 5, 2020, in Case Number A-20-816161-  
19 C (the "Silver State Matter"), in Department VIII of the Eighth Judicial District Court, the  
20 Receiver has brought an action against Silver State Health Insurance Exchange (the  
21 "Exchange") for, *inter alia*, damages of approximately one-half million dollars in premiums  
22 received from on-exchange insureds on behalf of NHC, but never remitted to the CO-OP. The  
23

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24 <sup>1</sup> See January 19, 2016 Court Minutes granting Receiver Amy L. Parks' Motion to Approve  
25 Professional Fee Rates on file herein, Case No. A-15-725244-C.

26 <sup>2</sup> *State of Nevada, Ex Rel Commissioner of Insurance, Barbara D. Richardson, in her Official*  
27 *Capacity as Receiver for Nevada Health Co-Op v. Milliman, Inc. et al.*, Case No. A-17-760558-B  
28 (the "Asset Recovery Matter"); *State of Nevada, Ex Rel Commissioner of Insurance, Barbara D.*  
*Richardson, in her Official Capacity as Receiver for Nevada Health Co-Op v. Silver State Health*  
*Insurance Exchange*, Case No. A-20-816161-C (the "Silver State Matter").

1 Complaint alleges that the retention of these funds by the Exchange, without explanation or  
2 justification, constitutes a violation of the existing agreement between the parties, unjust  
3 enrichment of the Exchange at the expense of receivership claimants, and an appropriate basis  
4 for the imposition of a constructive trust over the assets at issue. The Exchange filed its  
5 Answer on August 24, 2020, denying the relevant allegations and asserting conventional  
6 affirmative defenses such as the doctrine of assumption of risk, sovereign immunity,  
7 contributory negligence, offset, and unclean hands.

8 **ii. Brief Summary of the Exchange’s Motion for Leave to File Third-**  
9 **Party Complaint**

10 On January 8, 2021, the Exchange filed its Motion for Leave to File Third-Party  
11 Complaint in the Silver State Matter. The Exchange’s Motion argues that contrary to the CO-  
12 OP’s Complaint, the Exchange never collected insurance premiums but rather the Exchange  
13 contracted with Xerox to administer and operate the healthcare exchange which included  
14 collecting and distributing insurance premiums. As a result, the Exchange alleges Xerox has  
15 a contractual duty to indemnify, hold harmless and defend the Exchange in the Silver State  
16 Matter. The Exchange’s Motion is currently set for hearing on March 16, 2021 at 9:30 a.m.,  
17 and the CO-OP’s opposition thereto is due on or before February 22, 2021.

18 **b. The Asset Recovery Matter**

19 On August 25, 2017, the CO-OP filed a complaint in the Eighth Judicial District Court  
20 against multiple providers of services to, and management of, NHC based on their failure to  
21 perform applicable fiduciary, contractual, professional, and statutory standards which caused  
22 substantial losses to NHC and the other parties represented by the Commissioner Case No. 17-  
23 760558-C, Department XVI (the “Asset Recovery Matter”).<sup>3</sup> The Asset Recovery Matter is  
24 currently set to be tried to a jury on a five-week stack scheduled to begin on May 16, 2022.<sup>4</sup>

25 \_\_\_\_\_  
26 <sup>3</sup> See Asset Recovery Matter, Amended Complaint, Case No. A-17-760558-C, filed September 24,  
2018.

27 <sup>4</sup> See Asset Recovery Matter, Fifth Amended Order Setting Civil Jury Trial, Pre-Trial, Calendar  
28 Call, and Deadlines for Motions; Amended Discovery Scheduling Order, Case No. A-17-760558-B,  
filed January 14, 2021.

There are two (2) Motions currently pending in the Asset Recovery Matter relevant to the instant Motion: (1) Defendants Unite Here Health and Nevada Health Solutions, LLC's (the "UHH Defendants") Motion to Consolidate, and (2) the UHH Defendants' Motion for Leave to File Third-Party Complaint.

**i. Brief Summary of the UHH Defendants' Motion to Consolidate**

On January 19, 2021 UHH Defendants filed a Motion to Consolidate the Asset Recovery Matter and the Silver State Matter. The Motion to Consolidate argues that the CO-OP is seeking the same damages in both cases and therefore requests the Asset Recovery Matter and the Silver State Matter be consolidated. The opposition for this motion is currently due on March 12, 2021. The Motion to Consolidate is currently set for hearing on April 14, 2021 before Judge Timothy Williams in Department XVII.

**ii. Brief Summary of the UHH Defendants' Motion for Leave to File Third-Party Complaint**

On January 15, 2021 the UHH Defendants filed a Motion for Leave to File Third-Party Complaint in the Asset Recovery Matter seeking to name Xerox and the Exchange as third-party defendants. The UHH Defendants' Motion argues that two non-parties—Xerox and the Exchange—are responsible for a significant amount of the harm the CO-OP alleges it suffered as a result of UHH's conduct. The Opposition for this Motion is currently due on March 12, 2021. The UHH Defendants' Motion is currently set for hearing on April 14, 2021 before Judge Williams in Department XVII.

**III. Other Asset Recovery or Exchange Matters**

The Receiver may need representation from conflicts counsel for certain other matters involving NHC in the Asset Recovery or Exchange Matters, including settlements, discovery, motions, appeals, writs, and other related matters that may arise involving Xerox matters.

**IV. Lewis Roca Law Firm to act as Conflicts Counsel in Other Matters**

Upon agreement with the Lewis Roca law firm as the need arises, the Receiver and Special Deputy Receiver may also have need for the Lewis Roca firm to act as outside

///

1 conflicts counsel to address other matters in which Greenberg Traurig is not representing the  
2 receivership estate.

3 **V. Lewis Roca Prior Representation of Millennium in the Asset Recovery Matter**

4 Lewis Roca previously represented defendant Millennium Consulting Services, LLC  
5 (“Millennium”) in the asset recovery matter, but the Receiver’s litigation against Millennium  
6 was settled as of August 10, 2018. On February 14, 2019, a Joint Motion for Determination  
7 of Good Faith Settlement by Plaintiff and Defendant Millennium on Order Shortening time  
8 was filed for the Millennium litigation matter, which was thereafter approved on April 8,  
9 2019, by the Court for that case. The Receiver’s litigation against Millennium is fully and  
10 finally settled, and the case against Millennium has been dismissed. Lewis Roca does not  
11 believe that its prior representation of Millennium will affect its ability to competently and  
12 diligently represent the Receiver and Special Deputy Receiver in the capacity agreed upon,  
13 which precludes Lewis Roca from taking any position adverse to Millennium.

14 **VI. ARGUMENT**

15 Greenberg Traurig, primary Counsel for the Receiver, has previously represented  
16 Xerox. While Judge Cory has previously denied UHH’s attempt to disqualify Greenberg  
17 Traurig<sup>5</sup> as counsel for the CO-OP, the Receiver and Special Deputy Receiver for the CO-OP  
18 have determined, in their discretion and in an abundance of caution, to employ additional  
19 conflicts counsel to address the above Motions. Specifically, while Greenberg Traurig will  
20 remain as primary counsel on matters for the CO-OP, the CO-OP seeks permission from this  
21 Court to retain the services of Lewis Roca Rothgerber Christie (“Lewis Roca”) to handle  
22 certain limited matters, including the following: (1) those pending motions set forth above  
23 and other related matters that may arise from time to time; (2) certain other matters involving  
24 NHC in the Asset Recovery or Exchange Matters, including settlements, discovery, motions,  
25 appeals, writs, and other related matters that may arise involving Xerox matters; and (3) upon  
26 agreement with the Lewis Roca law firm as the need arises, the Receiver and Special Deputy

27  
28 <sup>5</sup> See Order Denying Motion to Disqualify Greenberg Traurig, LLP and to Disgorge Attorneys’  
Fees, Case No. A-15-725244-C, filed January 15, 2021.



Receiver may also have need for the Lewis Roca firm to act as outside conflicts counsel to address other matters in which Greenberg Traurig is not representing the receivership estate.

Based on the foregoing, the CO-OP hereby requests this Court approve and permit the CO-OP to: (1) formally engage Lewis Roca to represent the CO-OP at the rates set forth in **Exhibit A**; and (2) after such professional fee rates are approved by this Court, to approve and pay all invoices pertaining to Lewis Roca's representation in the aforementioned matters without the need of further application with this Court.

Such approval is appropriate under NRS 696B.290(6)-(7) which provides, in pertinent part:

6. In connection with delinquency proceedings, the Commissioner may appoint one or more special deputy commissioners to act for the Commissioner and the Commissioner may employ such counsel, clerks and assistants as the Commissioner deems necessary. The compensation of the special deputies, counsel, clerks or assistants and all expenses of taking possession of the insurer and of conducting the proceedings shall be paid out of the funds or assets of the insurer

\* \* \*

7. During such receivership the Commissioner shall file in the court, at regular intervals not less frequently than quarterly, the Commissioner's true reports in summary form of the insurer's affairs under the receivership, and of progress being made in accomplishing the objectives of the receivership. All such reports, together with such additional or special reports as the court may reasonably require, shall be subject to review by the court; and all actions of the receiver therein reported shall be subject to the court's approval, but the court shall not withhold approval or disapprove any such action unless found by the court after a hearing thereon in open court to be unlawful, arbitrary or capricious."

NRS 696B.290(6)-(7) (emphasis added).

In the time since the Court's Final Order, the CO-OP has regularly provided this Court with the necessary status reports and will continue to do so should this Court approve the fees set forth in **Exhibit A**.

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1 **VII. CONCLUSION**

2 Based on the foregoing, the CO-OP respectfully requests this Court enter an order

3 (1) Approving the professional fee rates for Lewis Roca Rothgerber Christie  
4 attached hereto as **Exhibit A**; and

5 (2) Permitting the CO-OP to approve and pay any invoices of Lewis Roca  
6 Rothgerber Christie necessary without further application to this Court.

7 RESPECTFULLY SUBMITTED this 17<sup>th</sup> day of February, 2021.

8 GREENBERG TRAURIG, LLP

9 By: /s/ Donald L. Prunty

10 MARK E. FERRARIO, ESQ.

11 Nevada Bar No. 01625

12 DONALD L. PRUNTY, ESQ.

13 Nevada Bar No. 08230

14 GLENN F. MEIER, ESQ.

15 Nevada Bar No. 06059

16 10845 Griffith Peak Drive, Suite 600

17 Las Vegas, Nevada 89135

18 ***Counsel for Plaintiff***

---

## EXHIBIT A

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Lewis Roca Rothgerber Christie  
Professional Fee Rates

**Professional Fee Rates  
for  
Lewis Roca Rothgerber Christie**

| <b>Name</b>  | <b>Rate</b> |
|--|-------------|
| Daniel F. Polsenberg, Esq.   | \$850/hr.   |
| Joel D. Henriod, Esq.  | \$550/hr.   |
| Abraham Smith, Esq.  | \$435/hr.   |
| Other attorneys or paralegals at standard hourly rates set by Lewis Roca Rothgerber Christie |             |

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 Shortening Time 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: 2/18/2021

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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| 23 | Donald Prunty         | pruntyd@gtlaw.com                    |
| 24 |                       |                                      |
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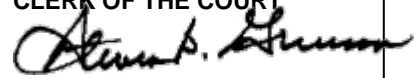
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| Shannon Fagin   | sfagin@bckltd.com           |

**TAB 56**

**TAB 56**





1 **NEOJ**

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

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

6 GLENN F. MEIER, ESQ.  
7 Nevada Bar No. 006059

8 GREENBERG TRAUIG, LLP  
9 10845 Griffith Peak Drive, Suite 600  
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14 [pruntyd@gtlaw.com](mailto:pruntyd@gtlaw.com)

15 [meierg@gtlaw.com](mailto:meierg@gtlaw.com)

16 *Counsel for Plaintiff*

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18  
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28  
**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 XXI

**NOTICE OF ENTRY [ORDER  
GRANTING MOTION TO APPROVE  
PROFESSIONAL FEE RATES]**

HEARING DATE: FEBRUARY 24, 2021  
HEARING TIME: 3:00 A.M. (CHAMBERS)

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on the **22<sup>nd</sup> day of March 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 GRANTING MOTION TO APPROVE PROFESSIONAL FEE RATES** 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.

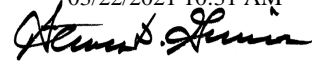
/s/ Evelyn Escobar-Gaddi  
An employee of Greenberg Traurig, LLP

---

## EXHIBIT A

---

### Order Granting Motion to Approve Professional Fee Rates

  
CLERK OF THE COURT

**OGM**

MARK E. FERRARIO, ESQ.

Nevada Bar No. 001625

ERIC W. SWANIS, ESQ.

Nevada Bar No. 006840

DONALD L. PRUNTY, ESQ.

Nevada Bar No. 008230

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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 GRANTING MOTION TO  
APPROVE PROFESSIONAL FEE  
RATES**

HEARING DATE: FEBRUARY 24, 2021  
HEARING TIME: 3:00 A.M. (CHAMBERS)

On February 18, 2021 Plaintiff Commissioner of Insurance Barbara D. Richardson in her capacity as Receiver of Nevada Health CO-OP's ("Receiver" or "Plaintiff") filed its Motion to Approve Professional Fee Rates on Order Shortening Time (the "Motion"). Unite Here Health and Nevada Health Solutions, LLC (collectively, "UHH") filed their Opposition and NHC filed its Reply brief on February 22, 2021. Plaintiff's Motion came before this Court on February 24, 2021 in chambers.

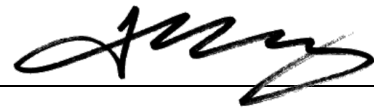
After reviewing the pleadings and paper on file in this action, considering the arguments made by counsel in the moving papers, for the reasons stated on the record and good cause appearing therefore, the Court orders as follows:

1. Plaintiff's Motion is hereby GRANTED;
2. The Court further finds that UHH's arguments related to any purported conflict of interest held by NHC or the Receiver were not properly before this Court and are therefore rejected; and
3. The granting of this Motion is not intended to preclude UHH from raising any issue related to a purported conflict of interest, through motion, in the future.

**IT IS SO ORDERED**

DATED this \_\_\_\_\_ day of March 2021.

Dated this 22nd day of March, 2021



B5B 7B7 361C E174  
Tara Clark Newberry  
District Court Judge

Respectfully submitted by:  
GREENBERG TRAURIG, LLP

*/s/ Donald L. Prunty*

MARK E. FERRARIO, ESQ.  
ERIC W. SWANIS, ESQ.  
DONALD L. PRUNTY, ESQ.  
10845 Griffith Peak Drive, Suite 600  
Las Vegas, Nevada 89135  
*Counsel for Plaintiff*

**APPROVED as to form and content:**  
BAILEY ♦ KENNEDY

*/s/ John Bailey*

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

**From:** [John Bailey](#)  
**To:** [Meier, Glenn \(OfCnl-LV-LT\)](#)  
**Cc:** [Escobar-Gaddi, Evy \(Secy-LV-LT\)](#)  
**Subject:** RE: Order Granting Motion to Approve Professional Fee Rates  
**Date:** Friday, March 19, 2021 9:32:35 AM  
**Attachments:** [image001.png](#)

---

**\*EXTERNAL TO GT\***

Glenn: You can affix my signature to the draft Order. 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  
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-----  
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**To:** John Bailey <[JBailey@baileykennedy.com](mailto:JBailey@baileykennedy.com)>  
**Cc:** [escobargaddie@gtlaw.com](mailto:escobargaddie@gtlaw.com)  
**Subject:** Order Granting Motion to Approve Professional Fee Rates

John,

Don is in court this afternoon and asked if I would send you the attached order for your approval and consent to affix your signature. Please let me know if we have your consent.

**Glenn Meier**  
Of Counsel

Greenberg Traurig, LLP  
Suite 600 | 10845 Griffith Peak Drive | Las Vegas, Nevada 89135  
T +1 702.938.6866  
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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 was served via the court's electronic eFile system to all  
15 recipients registered for e-Service on the above entitled case as listed below:

16 Service Date: 3/22/2021

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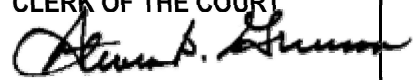
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**TAB 57**

**TAB 57**



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

16 **IN THE EIGHTH JUDICIAL DISTRICT COURT**  
17 **CLARK COUNTY, NEVADA**

18 STATE OF NEVADA, EX REL. ) Case No. A-15-725244-C  
19 COMMISSIONER OF INSURANCE, IN HER ) Dept. No. 21  
20 OFFICIAL CAPACITY AS STATUTORY )  
21 RECEIVER FOR DELINQUENT DOMESTIC )  
22 INSURER, )  
23 )  
24 Plaintiff, )  
25 )  
26 vs. )  
27 )  
28 NEVADA HEALTH CO-OP, )  
Defendant. )  
\_\_\_\_\_ )

29 **TWENTY-SECOND STATUS REPORT**

30 COME NOW, Commissioner of Insurance Barbara D. Richardson in her capacity as  
31 Receiver of Nevada Health CO-OP (“NHC,” or the “CO-OP”), and CANTILO & BENNETT,  
32 L.L.P., Special Deputy Receiver (“SDR” - SDR and the Commissioner as Receiver are referred  
33 to collectively herein as “Receiver”) and file this Twenty-Second Status Report in the above-  
34 captioned receivership.

**I. INTRODUCTION AND HISTORICAL BACKGROUND**

The CO-OP is a state-licensed health insurer, formed in 2012 as a Health Maintenance Organization, with a Certificate of Authority granted by the State of Nevada Division of Insurance effective January 2, 2013. NHC was an Internal Revenue Code 501(c)(29) Qualified Non-Profit Health Insurance Issuer, entitled to tax exemption by the Internal Revenue Service. NHC was formed under a provision of the Patient Protection and Affordable Care Act (“ACA”) providing for the formation of Consumer Operated and Oriented Plans. Having received from the Centers for Medicare and Medicaid Services (“CMS”) of the United States Department of Health and Human Services (“HHS”) a start-up loan of \$17,080,047, and a “solvency” loan of \$48,820,349.00, NHC was required to operate as a non-profit, consumer-driven health insurance issuer for the benefit of the public. The CO-OP’s primary business was to provide ACA-compliant health coverage to residents of Nevada, and it operated its business for the benefit of Nevadans within the state, save for certain arrangements to provide nationwide health coverage to Nevadans traveling outside the state in certain circumstances. NHC began selling products on and off the Silver State Health Insurance Exchange (the “Exchange”) on January 1, 2014. Its products included individual, small group, and large group health care coverages.

On October 1, 2015, this Court issued its Order Appointing the Acting Insurance Commissioner, Amy L. Parks as Temporary Receiver of NHC Pending Further Orders of the Court and Granting Temporary Injunctive Relief Pursuant to NRS 696B.270. Further, on October 14, 2015, the Receivership Court entered its Permanent Injunction and Order Appointing Commissioner as Permanent Receiver of Nevada Health CO-OP, appointing the law firm of CANTILO & BENNETT, L.L.P. as SDR of NHC, in accordance with Chapter 696B of the Nevada Revised Statutes.

Via a Notice of Substitution of Receiver dated April 6, 2016, the Deputy Attorney General informed interested parties of the substitution of Commissioner Barbara D. Richardson, in place and stead of former Acting Commissioner Amy L. Parks, as the Receiver of NHC. This substitution of Receiver was subsequent to Commissioner Richardson’s appointment as Commissioner of Insurance for the State of Nevada.

This Court, through its Final Order Finding and Declaring Nevada Health CO-OP to be Insolvent and Placing Nevada Health CO-OP into Liquidation (the “Final Order”) dated September 20, 2016, adjudged NHC to be insolvent on grounds that it was unable to meet obligations as they mature. The Final Order also authorized the Receiver to liquidate the business of NHC and wind up its ceased operations pursuant to applicable Nevada law. The Receiver has since transitioned the receivership estate from rehabilitation to liquidation.

The Receiver continues to file quarterly status reports as ordered by this Court.

## II. RECEIVERSHIP ADMINISTRATION

### Receivership Administrative Services and Oversight

CANTILO & BENNETT, L.L.P., as SDR of NHC, manages the receivership estate and conducts its affairs. PALOMAR FINANCIAL, LC (“Palomar”), an affiliate of the SDR, performs administration, information technology, and other related services for the Receiver under the supervision of the SDR. The Receiver has included an informational copy, as **Exhibit 1** to this Twenty-Second Status Report, of the invoices approved or paid to the SDR and other receivership consultants since the last status report to this Court.<sup>1</sup>

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<sup>1</sup> The *in camera* materials are being submitted in a separate envelope that reflect paid invoices.

Certain billings submitted to the Court are appropriate for *in camera* review (as opposed to being made part of a public filing). More particularly, and as discussed in further detail below, certain consultants in this matter are providing expert witness related services. As such, the billing entries relating thereto should be considered confidential and/or otherwise not subject to discovery.

In this regard, courts have held that the bills of legal counsel and experts may be withheld from legal discovery and are not subject to legal disclosure, as this information may provide indications or context concerning potential litigation strategy and the nature of the expert services being provided. *See, e.g., Avnet, Inc. v. Avana Technologies Inc.*, No. 2:13-cv-00929–GMN–PAL, 2014 WL 6882345, at \*1 (D. Nev. Dec. 4, 2014) (finding that billing entries were privileged because they reveal a party’s strategy and the nature of services provided); *Fed. Sav. & Loan Ins. Corp. v. Ferm*, 909 F.2d 372, 374-75 (9th Cir. 1990) (considering whether or not fee information revealed counsel’s mental impressions concerning litigation strategy). Other courts that have addressed this issue have recognized that the “attorney-client privilege embraces attorney time, records and statements to the extent that they reveal litigation strategy and the nature of the services provided.” *Real v. Cont’l Grp., Inc.*, 116 F.R.D. 211, 213 (N.D. Cal. 1986).

The *in-camera* review should apply not only to documentation concerning attorneys’ fees, but it also extends to “details of work revealed in [an] expert’s work description [which] would relate to tasks for which she [or he] was compensated[,]” a situation which is “analogous to protecting attorney-client

## Resolution of Outstanding Receivership Matters

### *Claims Adjudications & Distributions*

Notices of Claim Determination (“NCDs”) were mailed for healthcare claims previously submitted by providers to NHC’s Javelina Claims Processing Database (the “Provider Claims”). The total allowed amount of these approved Provider Claims is approximately \$33.7 million. The NHC members also received NCDs that showed them the amount that the SDR has approved to be paid to their providers, and the amount of member responsibility (*i.e.*, the co-pays, deductibles, and coinsurance), if any, that they may owe on their providers’ outstanding claims. The SDR has received approval from the Court to make a distribution of certain estate assets for the partial payment of these Provider Claims, which have been classified by the SDR as claims made under NHC policies pursuant to NRS 696B.420(1)(b).<sup>2</sup>

As previously reported, the SDR must collect U.S. Internal Revenue Service W-9 forms and other necessary documentation from the providers in advance of making any claim payments, to assure that the estate can meet any mandatory federal tax reporting requirements. Four hundred ninety-five (495) providers have submitted the necessary documentation, and have received a distribution payment. However, the remaining 1,288 providers either did not respond or sent back defective paperwork. The SDR will continue to follow-up with these providers to collect the necessary paperwork so that distributions can be made.

The SDR also mailed NCDs for those Proofs of Claim submitted to the SDR relating to Policy Claims (*i.e.*, Class B claims pursuant to NRS 696B.420(1)(b)). The total allowed amount

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privileged information contained in counsel’s bills describing work performed.” *See, DaVita Healthcare Partners, Inc. v. United States*, 128 Fed. Cl. 584, 592-93 (2016); *see also, Chaudhry v. Gallerizzo*, 174 F.3d 394, 402 (4th Cir. 1999) (recognizing that “correspondence, bills, ledgers, statements, and time records which also reveal the motive of the client in seeking representation, litigation strategy, or the specific nature of the services provided, such as researching particular areas of law,” are protected from disclosure) (quoting *Clarke v. Am. Commerce Nat’l Bank*, 974 F.2d 127, 129 (9th Cir. 1992)).

<sup>2</sup> As detailed in the Receiver’s Seventeenth Status Report, within the section of the report titled “Sale of Risk Corridors Receivable,” the Court entered an order permitting the distribution of certain funds on October 16, 2019.



1 for the members' claims, \$5,102.64, is subject to a potential small increase as two NCD appeals  
2 have been filed and remain pending.

3 In addition to the two member appeals described above, there are forty-two (42)  
4 outstanding appeals sent by NHC members of the NCDs that were mailed for outstanding  
5 healthcare claims submitted by providers to NHC's Javelina Claims Processing Database.<sup>3</sup> The  
6 SDR is not requesting that hearings be set on these appeals at this time, but may do so in the near  
7 future (*i.e.*, upon the resolution of COVID-19 issues – which in addition to preventing in-person  
8 appearances could also make it difficult for claimants to prepare for hearings). Once all appeals  
9 have been reviewed by the SDR, the SDR will inform the Receivership Court of any unresolved  
10 appeals so that a hearing or hearings may be set. The SDR is working on a resolution of the  
11 outstanding appeals.

12 There are fifty-one proofs of claim ("POC") assigned to a priority Class "C" (*i.e.*,  
13 NRS 696B.420(1)(c)) or lower.<sup>4</sup> The SDR has now issued NCDs to nearly all of these claimants  
14 (*i.e.*, forty-three (43) out of fifty-one (51) NCDs have been sent). It appears unlikely at this time  
15 that the estate will have sufficient assets to make distributions to claims assigned priority below  
16 Class B.

### 17 ***CMS Receivables***

18 As explained in prior status reports, and throughout the pendency of the receivership, the  
19 Receiver is working to resolve certain outstanding matters relating to the collection of amounts  
20 due under the various federal receivables programs, of which the CO-OP was a participant, and  
21 which are administered primarily by CMS. The recovery of these assets will allow the SDR to  
22 make further claim payments to estate creditors. It is also necessary to resolve the receivership's  
23

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24 <sup>3</sup> Members received a copy of the claim determinations that were sent to their providers, so that  
25 the members could see any denied claims, and the deductible, co-pay, and coinsurance that was applied  
26 to each of the allowed provider claims (*i.e.*, the amount of the member's responsibility on each claim)  
and have an opportunity to appeal.

27 <sup>4</sup> This does not include a claim by the U.S. Department of Health and Human Services, which  
28 the SDR has previously reported to this Court. The government did not file an appeal of the SDR's  
determination of its claim.

1 dispute of the government’s asserted right to be paid ahead of all other creditors in the estate  
2 (including providers and members). CMS has maintained the position that any monies deemed  
3 owed to NHC (and thus the receivership estate) are to be offset against the amounts CMS asserts  
4 it is owed under the start-up loan awarded to NHC. To date, CMS has offset approximately  
5 \$12.9 million against the start-up loan that, the Receiver maintains, should have instead been  
6 paid to NHC. When the full amount of 2014 - 2015 Risk Corridors payments (*i.e.*, not just the  
7 prorated amount<sup>5</sup>) are included in the total, NHC is owed over \$55 million.<sup>6</sup>

8 In light of the United States Supreme Court’s decision in *Maine Community Health*  
9 *Options v. United States*, No. 18-1023 (described further below), the Receiver has tried, and will  
10 continue to try, to resolve some or all of the claims with CMS.<sup>7</sup> The asset recovery litigation  
11 against CMS has since continued without resolution on the questions of debt, rights to offset,  
12 and claim and issue preclusion matters. CMS has filed a motion to dismiss the Receiver’s claims,  
13 while the Receiver has filed a motion for summary judgment on NHC’s claims—and both  
14 motions remain pending before the United States Court of Federal Claims.

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18 <sup>5</sup> Due to a shortfall in risk corridor collections, CMS asserted it could only pay a prorated  
19 percentage of issuers’ 2014 Risk Corridors payments and that it would use all collections in subsequent  
20 years towards the 2014 payments (*i.e.*, they are unable to make payments for the subsequent years at all).  
21 DEP’T OF HEALTH & HUMAN SERVICES & CENTERS FOR MEDICARE & MEDICAID  
22 SERVICES (“CMS”), CCIIO MEMORANDUM, RISK CORRIDORS PAYMENT AND CHARGE  
23 AMOUNTS FOR THE 2015 BENEFIT YEAR (November 18, 2016) (available at  
24 <https://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/Downloads/2015-RC-Issuer-level-Report-11-18-16-FINAL-v2.pdf>); CMS, CCIIO MEMORANDUM, RISK CORRIDORS PAYMENT  
25 AND CHARGE AMOUNTS FOR THE 2016 BENEFIT YEAR (November 15, 2017) (available at  
26 <https://www.cms.gov/CCIIO/Programs-and-Initiatives/Premium-Stabilization-Programs/Downloads/Risk-Corridors-Amounts-2016.pdf>).

27 <sup>6</sup> NHC sold a significant portion, but not all, of its interest in the Risk Corridors receivables, as  
28 detailed in the Receiver’s Seventeenth Status Report to this Court. NHC will still participate in actions  
to recover CMS receivables.

<sup>7</sup> See Amy Howe, OPINION ANALYSIS: DECISIVE WIN FOR HEALTH INSURERS SEEKING  
COMPENSATION FOR ACA LOSSES, SCOTUS BLOG (2020),  
<https://www.scotusblog.com/2020/04/opinion-analysis-decisive-win-for-health-insurers-seeking-compensation-for-aca-losses/> (last visited Jun 26, 2020).

**Internal Administrative Matters Related to Wind Down**

The Receiver may, in her discretion and as necessary to advance the receivership, contract to use the services of certain former employees for specific, limited-term projects. The Receiver completed the wind down and closure of NHC's administrative office in 2019, and has since transferred estate records, property, and operations to the SDR's offices.

**Engagement of Additional Legal Counsel**

As the Court is aware, the Receiver has engaged the law firm of Greenberg Traurig LLP ("Greenberg Traurig"), as outside counsel in various litigation matters. On February 18, 2021, the Receiver filed with the Receivership Court her Motion to Approve Professional Fee Rates on Order Shortening Time, seeking authorization to retain the Lewis Roca firm as conflicts counsel and to address other matters that may arise in which Greenberg Traurig is not representing the receivership estate. On February 22, 2021, Unite Here Health and Nevada Health Solutions filed their Opposition to the Motion. Plaintiff's Reply in Support of the Motion to Approve Professional Fee Rates was filed on February 22, 2021. The Receivership Court granted the Motion in all respects via an Order entered on March 22, 2021.

**Continuation of Action Against Various Professionals and Other Firms Who Performed Services for and on Behalf of NHC**

On August 25, 2017, Counsel for the Receiver filed in Clark County District Court a complaint (Case No. A-17-760558-C in Department No. 18) against various persons, third-party vendors, and professional service firms which are alleged to have contributed to NHC's losses by, among other things, failing to adhere to applicable standards of professional care and requirements imposed by law, misrepresentation concerning quality and standard of care for services performed, and breaches of contract, duty, and implied covenants of good faith and fair dealing. The complaint names, among others, NHC's former actuaries, accountants, auditors, and providers of certain business operations and utilization review services, as well as those individuals who specifically performed, or who were in the role of supervising the performance of, those services. The complaint also names several NHC former directors and executive management.

1 Via Plaintiff's Motion to Amend Complaint, filed on July 17, 2018, the Receiver sought  
2 an order granting leave to amend the August 25, 2017, complaint against certain of NHC's  
3 various directors, officers, and third-party contractors, citing the discovery of additional facts in  
4 support of assertions made in the first complaint, as well as the need to add a new defendant to  
5 the existing proceedings. This Motion to Amend Complaint was filed in Judicial Department  
6 Sixteen, in line with the terms of contemporaneous Notice of Department Reassignment  
7 assigning the proceedings to Judge Timothy C. Williams. The Motion to Amend Complaint was  
8 approved via an order entered on September 18, 2018. Subsequently, the Court ordered that the  
9 case against Milliman must be arbitrated. On December 19, 2019, the Nevada Supreme Court  
10 denied the Receiver's Writ of Mandamus seeking extraordinary relief against the order  
11 compelling arbitration, noting the availability of subsequent appellate relief, as well as  
12 disagreeing that clear legal error had occurred in the underlying proceedings. On October 16,  
13 2020, Plaintiff filed a Motion for Leave to File Second Amended Complaint, which contains  
14 additional factual allegations, theories of injury, and other context concerning NHC's resulting  
15 insolvency. Hearing on this Motion was scheduled for November 18, 2020, but was vacated  
16 later, as explained below.

17 On October 8, 2020, Unite Here Health and Nevada Health Solutions, each Defendants  
18 in the instant asset recovery litigation, filed their Motion with the Receivership Court to:  
19 (1) Disqualify Greenberg Traurig, LLP as Counsel for the Statutory Receiver of Nevada Health  
20 CO-OP, and (2) Disgorge Attorney's Fees Paid by Nevada Health CO-OP to Greenberg Traurig,  
21 LLP. Greenberg Traurig, LLP, filed its Opposition to the Motion to Disqualify on November 16,  
22 2020. Plaintiff filed her Joinder to Greenberg Traurig's Opposition on November 16, 2020, and  
23 Defendants Unite Here Health and Nevada Health Solutions filed their Reply in Support of the  
24 Motion on December 8, 2020. Following a series of stipulated continuances, Judge Cory heard  
25 the arguments and evidence for and against the Motion to Disqualify on December 15, 2020.  
26 The Court issued a Minute Order on December 16, 2020, denying the Motion to Disqualify,  
27 which was later formalized in a written Order on the same subject matter entered on January 15,  
28 2021.

1 On February 8, 2021, Defendants Unite Here Health and Nevada Health Solutions filed  
2 their Notice of Appeal, seeking review of the Order Denying the Motion to Disqualify Greenberg  
3 Traurig, LLP and to Disgorge Attorneys' Fees. A Petition for Extraordinary Writ Relief was  
4 filed with the Nevada Supreme Court on February 25, 2021. On March 12, 2021, Greenberg  
5 Traurig, as counsel to the Receiver and representing itself in response to the Defendants'  
6 motion, and Jenner & Block LLP, counsel to Greenberg Traurig, filed an opposition to the  
7 Motion to Consolidate with the writ petition proceedings in Case No. 82552 (the "Writ"), as  
8 filed by Appellants/Petitioners United Here Health and Nevada Health Solutions, LLC, and  
9 Countermotion to Dismiss Appeal.

10 Pursuing the same theories as underlined in their Motion to Disqualify, Unite Here Health  
11 and Nevada Health Solutions filed on October 15, 2020, their Motion for Leave to File Third-  
12 Party Complaint, seeking permission from the Court to file a complaint for contribution alleging  
13 that the Silver State Health Insurance Exchange and Xerox State Healthcare, LLC, are  
14 responsible for a significant number of NHC's injuries, such that concerns for judicial economy  
15 and the consolidation of related proceedings should merit the cross-complaint and addition of  
16 these parties to the instant asset recovery litigation. This Motion was joined by Defendant former  
17 directors and officers on October 16, 2020, and by InsureMonkey on October 22, 2020. These  
18 actions were quickly followed by the filing on October 19, 2020, of a Motion to Consolidate  
19 seeking to consolidate A-20-816161-C, the asset recovery suit against the Silver State Health  
20 Insurance Exchange, with the instant asset recovery proceedings. As with the Motion seeking  
21 the filing of the Third-Party Complaint, the Motion to Consolidate asserts that the alleged  
22 similarities between the factual circumstances of the cases merit this outcome.

23 On October 20, 2020, Defendants Unite Here Health and Nevada Health Solutions filed  
24 their Motion to Strike Jury Demand, alongside a request for redaction and submission of exhibits  
25 under seal. On February 12, 2021, Plaintiff filed her Opposition to the Motion to Strike Jury  
26 Demand. Defendants Unite Here Health and Nevada Health Solutions filed their Reply

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28 ///

1 Memorandum in Support of the Motion on February 26, 2021. Defendant InsureMonkey also  
2 filed a Third-Party Brief on this issue as of March 9, 2021. The motion was granted by the Court  
3 from the bench on March 10, 2021.

4 On October 21, 2020, Defendant former directors and officers filed their Motion for  
5 Partial Summary Judgment on the pleadings pursuant to NRCP (12)(c), primarily on the grounds  
6 that many of the causes of action asserted in the First Amended Complaint (*i.e.*, negligent  
7 misrepresentation, constructive fraud, negligent performance of an undertaking) are acts that  
8 directors and officers of non-profit organizations (such as NHC) cannot be liable for under  
9 Nevada law and statutes regulating the governance of non-profit organizations. Plaintiff filed  
10 her Opposition to Defendants' Motion on February 12, 2021, setting forth the basis for the  
11 liability of the Defendant directors and officers. Defendants' Reply in Support of the Motion  
12 was filed on March 12, 2021.

13 In light of the pending Motion to Disqualify before the Receivership Court, Plaintiff's  
14 counsel filed, on November 2, 2020, a Motion for Entry of Stay on Order Shortening Time. By  
15 an Order Staying the Litigation dated November 10, 2020, the court in A-17-760558-B stayed  
16 all schedules or actions involving the motions for the filing of a Third-Party Complaint,  
17 consolidation, partial summary judgment, the filing of a Second Amended Complaint, and the  
18 request to strike the Jury Demand. A Stipulation and Order Lifting the Stay of Litigation, Setting  
19 Briefing Schedule on Pending Motions, and Resetting Discovery and Other Associated  
20 Deadlines was entered on January 14, 2021, which returned the pending Motions to active  
21 litigation. On January 21, 2021, a Stipulation and Order was entered by the Court, setting  
22 hearing on various motions relating to the filing of Third-Party Complaints, consolidation of  
23 cases, and related joinders to April 14, 2021, instead of the April 7, 2021, initial deadline for  
24 hearing such motions.

25 Under the terms of the Fifth Amended Order Setting Civil Jury Trial, Pre-Trial, Calendar  
26 Call, and Deadlines for Motions; Amended Discovery Scheduling Order, both Plaintiff and  
27 Defendants' designation of rebuttal experts are due on April 16, 2021, with a Discovery Cut Off  
28 of December 31, 2021. Dispositive Motions are due by February 18, 2022, and Motions in



1 Limine are due by March 4, 2022. The Trial is scheduled to run on a five-week stack starting  
2 May 16, 2022, subsequent to an April 28, 2022, Pre-Trial Conference and Calendar Call.  
3 Relevant Pre-Trial Memoranda must be filed by no later than May 12, 2022. Discovery  
4 continues in the litigation as before the recent stay of litigation.

5 **Pending Action Against the United States in the Court of Federal Claims**

6 On November 8, 2018, the Receiver filed a Complaint in the United States Court of  
7 Federal Claims (“CFC Complaint”) against the United States for monetary amounts owed to  
8 NHC under the Consumer Operated and Oriented Plan program organized pursuant to the ACA.  
9 The Receiver determined that such litigation was necessary in order to advance the interests of  
10 the receivership estate’s various creditors, and to protect and conserve assets that rightfully  
11 belong to the estate.

12 In Counts I through IV, the CFC Complaint prays for relief in the form of an award of  
13 damages and monetary relief equal to the difference between the amount NHC actually received  
14 in payments under Sections 1342, 1341, 1343, and 1401 of the ACA – the statutes which describe  
15 and enact the Risk Corridors, transitional reinsurance, risk adjustment, and cost sharing reduction  
16 programs respectively – and the amount NHC should have received under those laws.

17 The CFC Complaint’s Count V (breach of contract by offset) and Count VI (illegal  
18 exaction) plead alternate theories for recovery of money damages resulting from the United  
19 States, through its agents at HHS and CMS, offsetting payments that CMS owed to NHC against  
20 funds NHC allegedly owed to the government pursuant to the terms of the CO-OP start-up loan.  
21 On March 7, 2019, the United States filed a motion to dismiss the CFC Complaint’s (“Motion  
22 to Dismiss”) argument that none of Counts I through VI state claims upon which relief can be  
23 granted. NHC’s deadline for responding to the Motion to Dismiss was July 9, 2019. However,  
24 on June 24, 2019, the United States Supreme Court granted certiorari in three Risk Corridors  
25 appeals, *i.e.*, the Supreme Court Appeal Cases.

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1 Subsequent to a Motion for Enlargement of Time to Respond to Government’s Motion  
2 to Dismiss, filed on June 28, 2019, the Receiver filed her Opposition to Motion to Dismiss, and  
3 Cross-Motion for Final Partial Summary Judgment on July 31, 2019, which sought from the  
4 Court of Federal Claims, *inter alia*, an adjudication in favor of the Receiver regarding that  
5 Counts II through IV of the CFC Complaint, the counts not taken up by the United States  
6 Supreme Court for review. The Cross-Motion for Partial Summary Judgment predicated its  
7 arguments on the basis that the United States had already admitted prior liability and damages  
8 concerning the amounts sought by the CFC Complaint under Counts II-IV (*i.e.*, the Federal  
9 Transitional Reinsurance program, the Risk Adjustment program, and the Cost-Sharing  
10 Reduction programs provided for explicitly by ACA statutes), save for their affirmative defense  
11 of offset, and that the affirmative defense of offset must fail as a matter of law as the  
12 circumstances provided for in applicable federal law and regulation permitting an offset of  
13 amounts owed under the ACA receivables programs were not satisfied in this case.

14 On August 7, 2019, the United States filed with the Court of Federal Claims its Motion  
15 to Stay, or in the Alternative, for an Enlargement of Time, asserting that the interrelated issues  
16 of fact and law at the center of the Court of Federal Claims litigation, alongside countervailing  
17 concerns of judicial economy, justified a general suspension of proceedings during the pendency  
18 of the United States Supreme Court’s review of the legal and constitutional questions in the  
19 Supreme Court Appeal Cases, notwithstanding the theoretical separability of the various federal  
20 receivables programs under which NHC presented its claims. The Court of Federal Claims  
21 granted the United States’ Motion to Stay on August 12, 2019, until such legal and constitutional  
22 questions were resolved.

23 The United States Supreme Court, through its April 27, 2020, decision, found in favor of  
24 the CO-OPs, and held that the Risk Corridors statutes did indeed create a government obligation  
25 to pay insurers the full amount set out in Section 1342’s formula. Despite the decision of  
26 Congress to disallow by specific legislative rider the making of Risk Corridors payments from  
27 funding sources which would have otherwise been available under the annual appropriations  
28 omnibus, the plain text of the legislative rider at issue in the litigation did not indicate an intention



1 to impliedly, retroactively repeal Risk Corridors obligations, and that therefore the CO-OPs  
2 properly relied upon the Tucker Act to bring suits for damages against the United States in the  
3 Court of Federal Claims.

4 Subsequent to this decision, the Court of Federal Claims issued its May 4, 2020, Order  
5 scheduling a status conference to take place on May 19, 2020, concerning the remaining matters  
6 at issue in the litigation. This telephone conference did occur on May 19, 2020, and the issues  
7 discussed on that call were later summarized in the Court of Federal Claims' May 21, 2020,  
8 Order staying proceedings for a further forty-five days and requiring the filing of a joint status  
9 report on or before July 6, 2020, addressing the topics discussed during the telephone conference.  
10 This deadline was later moved to July 10, 2020, upon approval by the Court of Plaintiff's July 6,  
11 2020, Unopposed Motion for Extension of Time for Filing Joint Status Report. The Joint Status  
12 Report was filed on July 10, 2020, and proposed August 3, 2020, as the deadline for NHC's  
13 Updated Opposition to the United States' Motion to Dismiss and Cross Motion for Summary  
14 Judgment, with the United States' reply in support of the Motion being due on September 18,  
15 2020, and NHC's own reply due on November 13, 2020.

16 On August 3, 2020, Plaintiff filed her Unopposed Motion to Set Briefing Schedule, which  
17 was approved and ordered the same day. Per this Motion, August 24, 2020, was proposed as the  
18 deadline for NHC's Updated Opposition to the Motion to Dismiss and Cross Motion for  
19 Summary Judgment, with the government's reply due October 9, 2020, and NHC's reply due  
20 October 26, 2020. A subsequent Unopposed Motion for Extension of Time, filed on August 19,  
21 2020, and approved on August 20, 2020, established September 9, 2020, as the deadline for  
22 NHC's Updated Opposition, with the United States' reply due October 26, 2020, and NHC's  
23 own reply due November 13, 2020. On September 9, 2020, Plaintiff filed her Response and  
24 Reply to the United States' Motion to Dismiss and Cross-Motion for Summary Judgment.

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1 The United States filed its Reply in Support of its Motion to Dismiss and Opposition to  
2 Cross-Motion for Summary Judgment on October 26, 2020, reiterating its prior arguments that  
3 offsets are proper in amounts alleged to be owed between the two creditors at issue here. The  
4 motion to dismiss of the United States and the Receiver's motion for summary judgment remain  
5 pending before the U.S. Court of Federal Claims.

6 **Pending Action Against the Silver State Health Insurance Exchange**

7 Through the filing of a Complaint dated June 5, 2020, in Case Number A-20-816161-C,  
8 in Department Number Eight of the Eighth Judicial District Court, the Receiver has brought an  
9 action against the Exchange for, *inter alia*, damages of approximately one-half million dollars  
10 in premiums received from on-exchange insureds on behalf of NHC, but never remitted to the  
11 CO-OP. The Complaint alleges that the retention of these funds by the Exchange, without  
12 explanation or justification, constitutes a violation of the existing agreement between the parties,  
13 unjust enrichment of the Exchange at the expense of receivership claimants, and an appropriate  
14 basis for the imposition of a constructive trust over the assets at issue. The Exchange filed its  
15 Answer on August 24, 2020, denying the relevant allegations and asserting conventional  
16 affirmative defenses such as the doctrine of assumption of risk, sovereign immunity,  
17 contributory negligence, offset, and unclean hands. Following the October 8, 2020, Joint Case  
18 Conference Report, and the November 19, 2020, Mandatory Rule 16 Conference, the  
19 proceedings are now continuing along the schedules set out in the relevant November 24, 2020,  
20 Scheduling Order and Order Setting Civil Bench Trial.

21 Defendant has now filed, as of January 8, 2021, their Motion for Leave to File Third-  
22 Party Complaint, seeking to bring into the proceedings its contractor Xerox State Healthcare,  
23 LLC. Through a series of Stipulations and Orders to Extend Time for Plaintiff to File Response  
24 entered over the ensuing months, most recently the one entered on March 16, 2021, Plaintiff has  
25 until April 9, 2021, to file its Opposition to the Defendant's Motion, with Defendant's Reply in  
26 Support being due on April 23, 2021, and the matter has been set for hearing on May 6, 2021.

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1 Under the terms of the March 22, 2021, Stipulation and Order to Extend Discovery  
2 Deadlines and Reset Trial Date, the initial deadlines for trial, pre-trial, Calendar Call, and  
3 necessary conferences were vacated. That same Order provides that discovery is to be completed  
4 by July 16, 2021, initial expert disclosures are to be submitted by May 10, 2021, rebuttal  
5 disclosures are due on June 11, 2021, and the deadline for the filing of dispositive motions is  
6 currently August 16, 2021. On the same date as the aforementioned Stipulation and Order,  
7 March 22, 2021, the Court issued its Order Setting Civil Bench Trial, Pretrial, and Calendar Call,  
8 which provides that trial shall commence on a five-week stack on November 15, 2021, with Pre-  
9 Trial Conference to occur on October 12, 2021, a Calendar Call on November 8, 2021, and with  
10 the Joint Pre-Trial Memorandum being due by November 5, 2021. Due to the sensitive nature  
11 of the documents likely to be disclosed in the litigation, the parties are operating under the terms  
12 of a Stipulated Protective Order and Confidentiality Agreement, filed with the Court on March 9,  
13 2021.

14 **Civil Action Against WellHealth Medical Associates, Medsource, and Certain Persons**

15 Through the filing of a Complaint dated July 16, 2020, in case Number A-20-818118-C,  
16 in Department Number Nineteen of the Eighth Judicial District Court, the Receiver has brought  
17 an action against WellHealth Medical Associates, PLLC, Medsource Management Group, LLC,  
18 and certain individual persons in positions of responsibility within those organizations, for the  
19 recovery of amounts owed in connection with certain illegal, unethical, negligent, and  
20 intentionally fraudulent transactions which took place with NHC in health plan years 2014 and  
21 2015. The primary allegations involve WellHealth's entry into an illegal and unapproved  
22 services contract with NHC, which, as per the Receiver's allegations, constitute a material  
23 shifting of insurance risk from a licensed carrier (NHC) to an unlicensed insurer (WellHealth)—  
24 and WellHealth was also expressly disapproved by the Nevada Division of Insurance as a  
25 Delivery Service Intermediary. Defendants in this action received millions of dollars from NHC  
26 in exchange for their services, which are alleged in the Complaint to not have been performed

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1 at the standard required, or with necessary licenses and legal authority. The Receiver has not  
2 yet received an Answer from defendants in this matter but will proceed to discovery and further  
3 litigation on the merits when appropriate.

4 Subsequent to service having been provided to Defendants and certified via a series of  
5 Affidavits filed with the Court between March 8 and March 11, 2021, Defendants WellHealth,  
6 as well as Messrs. Keltie and Volker, filed their Motion to Dismiss Pursuant to NRCP 4(e),  
7 seeking dismissal without prejudice on the grounds that, under the relevant rules, service must  
8 be completed no more than 120 days subsequent to the filing of the complaint, unless judicial  
9 approval for late service was sought and obtained. Hearing on the matter has been scheduled for  
10 April 29, 2021.

#### 11 **Current Receivership Assets**

12 The Receiver's evaluation of the assets and liabilities of the CO-OP is ongoing, and  
13 adjusted periodically to accommodate new authorized payments, receipts, and transfers. Below  
14 is an overview of some key asset matters thus far identified by the Receiver (other than those  
15 already mentioned herein):

16 1. The unrestricted cash assets of the CO-OP have fluctuated with post-receivership  
17 expenses and claim payments, as well as with the Receiver's receipt of member premiums. The  
18 currently available, unrestricted cash assets of the CO-OP as of February 28, 2021, were  
19 approximately \$4,457,059.00. The majority of NHC's currently available and liquid assets are  
20 held in bank deposits.

21 2. The financial information of NHC in this Twenty-Second Status Report provides  
22 estimates. NHC's financials may materially vary depending upon the estate's receipt of the  
23 promised federal receivables payments under the various ACA programs described in this report,  
24 and future litigation recoverables.

25 3. The Receiver is including, as **Exhibit 2** attached hereto, a cash flow report for  
26 NHC for the period covering the inception of the receivership through February 28, 2021. This  
27 report reflects a summary of disbursements and collections made by NHC during this period.

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CONCLUSION

The Receiver has submitted this report in compliance with the Receivership Court's instructions for a status report on NHC. The Receiver requests that the Court approve this Twenty-Second Status Report and the actions taken by the Receiver.

DATED this 5<sup>th</sup> day of April 2021.

Respectfully submitted:

Barbara D. Richardson, Commissioner of Insurance of the State of Nevada, in her Official Capacity as Statutory Receiver of Delinquent Domestic Insurer

By: /s/ Cantilo & Bennett, L.L.P.  
Special Deputy Receiver  
By Its Authorized Representative  
Patrick H. Cantilo

Respectfully submitted by:

/s/ Donald L. Prunty

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

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on the **5th day of April 2021**, a true and correct copy of the foregoing **TWENTY-SECOND STATUS REPORT** was submitted for service 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

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## EXHIBIT 1

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# CANTILO & BENNETT, L.L.P.

ATTORNEYS & COUNSELORS  
*A Texas Registered Limited Liability Partnership  
Comprised of Professional Corporations*

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Suite 300

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Austin, Texas 78758  
www.cb-firm.com

Facsimile: (512) 404-6550

December 15, 2020

## BILL SUMMARY

70750 Nevada Health Co-Op ("NHC")

September 1 - September 30, 2020

| <u>Matter No. and Description</u> | <u>Invoice<br/>Numbers</u> | <u>Fees</u>  | <u>Costs</u> | <u>Total</u> |
|-----------------------------------|----------------------------|--------------|--------------|--------------|
| September 2020                    | 25034-<br>25044            | \$ 40,663.75 | \$ 959.15    | \$ 41,622.90 |
| <b>Totals (1)</b>                 |                            | \$ 40,663.75 | \$ 959.15    | \$ 41,622.90 |



## Cantilo & Bennett, L.L.P.

**NEVADA HEALTH CO-OP  
TIMEKEEPER SUMMARY REPORT  
9/1/20 - 9/30/20**

|    |                                   | <b>Billable<br/>Hours</b> | <b>Billable<br/>Rate</b> | <b>September<br/>Billing</b> |
|----|-----------------------------------|---------------------------|--------------------------|------------------------------|
| 1  | Timekeeper - Patrick H. Cantilo   | 0.00                      | \$490.00                 | \$0.00                       |
| 2  | Timekeeper - Mark F. Bennett      | 33.70                     | \$400.00                 | \$13,480.00                  |
| 3  | Timekeeper - Kristen W. Johnson   | 44.10                     | \$300.00                 | \$13,230.00                  |
| 4  | Timekeeper - Josh O. Lively       | 65.50                     | \$200.00                 | \$13,100.00                  |
| 5  | Timekeeper - Douglas J. Coonfield | 0.00                      | \$200.00                 | \$0.00                       |
| 6  | Timekeeper - Jose M. Rangel       | 0.00                      | \$350.00                 | \$0.00                       |
| 7  | Timekeeper - Arati Bhattacharya   | 0.00                      | \$300.00                 | \$0.00                       |
| 8  | Timekeeper - Law Clerk            | 0.00                      | \$85.00                  | \$0.00                       |
| 9  | Timekeeper - Isaiah Samaniego     | 0.75                      | \$125.00                 | \$93.75                      |
| 10 | TimeKeeper - Pierre Riou          | 0.00                      | \$300.00                 | \$0.00                       |
| 11 | TimeKeeper - Jeffrey L. Collins   | 0.80                      | \$125.00                 | \$100.00                     |
|    | <b>GRAND TOTAL</b>                | <b>144.85</b>             |                          | <b>\$40,003.75</b>           |

**August 2020 time reconciled**

|                                     |     |     |          |                    |
|-------------------------------------|-----|-----|----------|--------------------|
| 8/25/2020                           | KWJ | 1.0 | \$300.00 | 300                |
| 8/26/20/20                          | KWJ | .30 | \$300.00 | \$90.00            |
| 8/27/2020                           | KWJ | .30 | \$300.00 | \$90.00            |
| 8/28/2020                           | KWJ | .60 | \$300.00 | \$180.00           |
| <b>Total September 2020 Invoice</b> |     |     |          | <b>\$40,663.75</b> |

December 08, 2020  
10:18 am

Cantilo & Bennett, L.L.P.  
Bill Register

Page 1

| Client and Matter                            | Date     | Inv No | Fees      | Costs | Credits | Total     |
|--|----------|--------|-----------|-------|---------|-----------|
| 70750 Nevada Health CO-OP<br>70750003 Claims | 09/30/20 | 25038  | 9,680.00  | 0.00  | 0.00    | 9,680.00  |
| 70750004 Financial Matters                   | 09/30/20 | 25039  | 200.00    | 0.00  | 0.00    | 200.00    |
| 70750006 Provider Issues                     | 09/30/20 | 25040  | 100.00    | 0.00  | 0.00    | 100.00    |
| 70750008 Company Administration              | 09/30/20 | 25041  | 3,363.75  | 0.00  | 0.00    | 3,363.75  |
| 70750010 CMS                                 | 09/30/20 | 25042  | 500.00    | 0.00  | 0.00    | 500.00    |
| 70750100 Asset Recovery                      | 09/30/20 | 25043  | 21,300.00 | 0.00  | 0.00    | 21,300.00 |
| 70750102 NHC vs. CMS Litigation              | 09/30/20 | 25044  | 5,520.00  | 0.00  | 0.00    | 5,520.00  |
| Totals ( 7)                                  |          |        | 40,663.75 | 0.00  | 0.00    | 40,663.75 |

Client ID 70750  
Work Date 09/01/20:09/30/2020

| TimeKeeper             |                        | Hours  | Fees      | NC Hours | NC Fees |
|------------------------|------------------------|--------|-----------|----------|---------|
| MFB MARK F. BENNETT    |                        |        |           |          |         |
| 70750003               | Claims                 | 1.70   | 680.00    | 0.00     | 0.00    |
| 70750004               | Financial Matters      | 0.50   | 200.00    | 0.00     | 0.00    |
| 70750006               | Provider Issues        | 0.25   | 100.00    | 0.00     | 0.00    |
| 70750008               | Company Administration | 0.95   | 380.00    | 0.00     | 0.00    |
| 70750010               | CMS                    | 1.25   | 500.00    | 0.00     | 0.00    |
| 70750100               | Asset Recovery         | 15.50  | 6,200.00  | 0.00     | 0.00    |
| 70750102               | NHC vs. CMS Litigation | 13.55  | 5,420.00  | 0.00     | 0.00    |
|                        | Sub Total (MFB)        | 33.70  | 13,480.00 | 0.00     | 0.00*   |
| JLC JEFFREY L. COLLINS |                        |        |           |          |         |
| 70750102               | NHC vs. CMS Litigation | 0.80   | 100.00    | 0.00     | 0.00    |
|                        | Sub Total (JLC)        | 0.80   | 100.00    | 0.00     | 0.00*   |
| KWJ KRISTEN W. JOHNSON |                        |        |           |          |         |
| 70750003               | Claims                 | 29.70  | 8,910.00  | 0.00     | 0.00    |
| 70750008               | Company Administration | 3.40   | 1,020.00  | 0.00     | 0.00    |
| 70750100               | Asset Recovery         | 11.00  | 3,300.00  | 0.00     | 0.00    |
|                        | Sub Total (KWJ)        | 44.10  | 13,230.00 | 0.00     | 0.00*   |
| JOL JOSHUA O. LIVELY   |                        |        |           |          |         |
| 70750008               | Company Administration | 8.00   | 1,600.00  | 0.00     | 0.00    |
| 70750100               | Asset Recovery         | 57.50  | 11,500.00 | 0.00     | 0.00    |
|                        | Sub Total (JOL)        | 65.50  | 13,100.00 | 0.00     | 0.00*   |
| IXS ISAIAH SAMANIEGO   |                        |        |           |          |         |
| 70750008               | Company Administration | 0.75   | 93.75     | 0.00     | 0.00    |
|                        | Sub Total (IXS)        | 0.75   | 93.75     | 0.00     | 0.00*   |
| Grand Total            |                        | 144.85 | 40,003.75 | 0.00     | 0.00    |

Date 09/01/2020:09/30/2020  
Client ID 70750  
Staff ID mfb

|                 | Day of Month |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | Total |        |
|-----------------|--------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|--------|
|                 | 1            | 2   | 3   | 4   | 5   | 6   | 7   | 8   | 9   | 10  | 11  | 12  | 13  | 14  | 15  | 16  | 17  | 18  | 19  | 20  | 21  | 22  | 23  | 24  | 25  | 26  | 27  | 28  | 29  | 30  |       | 1      |
| MFB             |              |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |        |
| 70750003        |              |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | 0.3 | 0.2 |     | 0.3 |     | 0.3 |     | 0.5 |     |     |     | 0.3 |     |     |       | 1.70   |
| 70750004        |              |     |     |     |     |     |     |     |     |     |     |     |     |     |     | 0.5 |     |     |     |     |     |     | 0.3 |     |     |     |     |     |     |     |       | 0.50   |
| 70750006        |              |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | 1.0 |     |     |     |     |     |     |     |       | 0.25   |
| 70750008        |              |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       | 0.95   |
| 70750010        |              |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       | 1.25   |
| 70750100        | 1.8          |     |     |     |     |     |     |     |     |     | 1.5 |     |     |     | 2.0 | 1.0 | 1.3 | 0.8 |     | 1.5 | 2.0 | 1.5 | 0.8 | 1.3 |     |     |     | 1.5 |     |     | 15.50 |        |
| 70750102        | 0.8          | 2.5 | 2.3 | 1.3 |     |     |     | 2.0 | 0.5 | 2.5 | 0.3 |     |     | 1.3 | 0.3 |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       | 13.55  |
| Sub Total (MFB) | 2.5          | 2.5 | 2.3 | 1.3 |     |     |     | 2.0 | 0.5 | 2.5 | 1.8 |     |     | 3.3 | 1.8 | 1.5 | 1.0 |     | 1.8 | 2.0 | 3.0 | 2.0 | 0.5 | 2.0 | 0.5 | 0.0 | 0.0 | 0.0 | 1.8 | 0.0 | 0.0   | 33.70* |
| Grand Total     | 2.5          | 2.5 | 2.3 | 1.3 | 0.0 | 0.0 | 0.0 | 2.0 | 0.5 | 2.5 | 1.8 | 0.0 | 0.0 | 3.3 | 1.8 | 1.5 | 1.0 | 0.0 | 1.8 | 2.0 | 3.0 | 2.0 | 0.5 | 2.0 | 0.5 | 0.0 | 0.0 | 0.0 | 1.8 | 0.0 | 0.0   | 33.70  |

|                 | Day of Month |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | Total |       |
|-----------------|--------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|-------|
|                 | 1            | 2   | 3   | 4   | 5   | 6   | 7   | 8   | 9   | 10  | 11  | 12  | 13  | 14  | 15  | 16  | 17  | 18  | 19  | 20  | 21  | 22  | 23  | 24  | 25  | 26  | 27  | 28  | 29  | 30  | 1   | Total |       |
| JLC             |              |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |       |
| 70750102        |              |     |     |     |     |     |     | 0.2 |     |     |     |     | 0.2 |     |     |     |     |     |     | 0.2 |     |     |     |     |     |     |     |     |     |     |     |       | 0.80  |
| Sub Total (JLC) |              |     |     |     |     |     | 0.2 |     |     |     |     |     | 0.2 |     |     |     |     |     |     | 0.2 |     |     |     |     |     |     |     |     |     |     |     |       | 0.80* |
| Grand Total     |              |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |       |
|                 | 0.0          | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.2 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.2 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.2 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.2 | 0.0 | 0.0 | 0.0 | 0.80  |       |

Date 09/01/2020:09/30/2020  
Client ID 70750  
Staff ID kwj

|                 | Day of Month |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | Total  |       |
|-----------------|--------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|-------|
|                 | 1            | 2   | 3   | 4   | 5   | 6   | 7   | 8   | 9   | 10  | 11  | 12  | 13  | 14  | 15  | 16  | 17  | 18  | 19  | 20  | 21  | 22  | 23  | 24  | 25  | 26  | 27  | 28  | 29  | 30  |        | 1     |
| KWJ             |              |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |       |
| 70750003        | 0.2          |     |     |     |     |     |     |     |     |     |     |     |     |     |     | 1.5 | 2.9 | 0.3 |     | 2.9 | 4.4 | 2.0 | 2.1 | 1.7 |     |     |     | 5.0 | 3.0 | 3.7 | 29.70  |       |
| 70750008        |              |     |     |     |     |     | 2.5 | 2.5 | 0.2 |     | 0.2 |     |     |     |     |     |     |     |     |     |     | 0.2 |     |     |     |     |     |     |     |     |        | 3.40  |
| 70750100        |              | 0.9 | 2.2 | 1.8 |     |     |     |     |     | 1.1 |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        | 11.00 |
| Sub Total (KWJ) | 0.2          | 0.9 | 2.2 | 1.8 |     |     | 2.5 | 2.5 | 0.2 | 1.1 | 0.2 |     |     |     | 1.5 | 2.9 | 0.3 |     | 2.9 | 4.4 | 2.2 | 2.1 | 1.7 |     |     |     | 5.0 | 3.0 | 6.5 |     | 44.10* |       |
| Grand Total     |              |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |       |
|                 | 0.2          | 0.9 | 2.2 | 1.8 | 0.0 | 0.0 | 2.5 | 2.5 | 0.2 | 1.1 | 0.2 | 0.0 | 0.0 | 0.0 | 0.0 | 1.5 | 2.9 | 0.3 | 0.0 | 2.9 | 4.4 | 2.2 | 2.1 | 1.7 | 0.0 | 0.0 | 5.0 | 3.0 | 6.5 | 0.0 | 44.10  |       |

Date 09/01/2020-09/30/2020  
Client ID 70750  
Staff ID jol

|                 |     | Day of Month |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |        |
|-----------------|-----|--------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|--------|
|                 |     | 1            | 2   | 3   | 4   | 5   | 6   | 7   | 8   | 9   | 10  | 11  | 12  | 13  | 14  | 15  | 16  | 17  | 18  | 19  | 20  | 21  | 22  | 23  | 24  | 25  | 26  | 27  | 28  | 29  | 30  | 1     | Total  |
| JOL             |     |              |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |        |
| 70750008        |     |              |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |        |
| 70750100        | 2.5 |              |     |     |     |     |     |     |     |     | 8.0 |     |     | 8.0 |     | 8.0 | 3.5 | 8.0 |     | 8.0 | 8.0 | 8.0 | 8.0 |     |     |     |     | 8.0 |     | 3.5 |     | 8.00  |        |
| Sub Total (JOL) | 2.5 |              |     |     |     |     |     |     |     |     | 8.0 |     |     | 8.0 |     | 8.0 | 3.5 | 8.0 |     | 8.0 | 8.0 | 8.0 | 8.0 |     |     |     |     | 8.0 |     | 3.5 |     | 57.50 |        |
|                 |     |              |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       | 65.50* |
| Grand Total     |     |              |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |        |
|                 | 2.5 | 0.0          | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 8.0 | 0.0 | 0.0 | 0.0 | 8.0 | 0.0 | 3.5 | 8.0 | 0.0 | 8.0 | 8.0 | 8.0 | 8.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 8.0 | 3.5 | 0.0 | 0.0   | 65.50  |

Date 09/01/2020:09/30/2020  
Client ID 70750  
Staff ID ixs

|                 |                 | Day of Month |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |  |
|-----------------|-----------------|--------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|--|
|                 |                 | 1            | 2   | 3   | 4   | 5   | 6   | 7   | 8   | 9   | 10  | 11  | 12  | 13  | 14  | 15  | 16  | 17  | 18  | 19  | 20  | 21  | 22  | 23  | 24  | 25  | 26  | 27  | 28  | 29  | 30  | 1   | Total |  |
| IXS<br>70750008 |                 |              |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |  |
|                 | Sub Total (IXS) |              |     |     |     |     |     | 0.1 |     |     |     |     |     |     |     |     |     |     |     |     | 0.1 | 0.3 | 0.1 | 0.1 | 0.1 |     |     |     |     |     | 0.1 |     | 0.75  |  |
|                 |                 |              |     |     |     |     |     | 0.1 |     |     |     |     |     |     |     |     |     |     |     |     | 0.1 | 0.3 | 0.1 | 0.1 | 0.1 |     |     |     |     |     | 0.1 |     | 0.75* |  |
| Grand Total     |                 | 0.0          | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.1 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.1 | 0.3 | 0.1 | 0.1 | 0.1 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.1 | 0.0 | 0.75  |  |



Work Date 09/01/2020:09/30/2020  
Client ID 70750

| Staff ID | Cost Code     | Units | Amount | Write Down | Total  |
|----------|---------------|-------|--------|------------|--------|
|          | FD1A          | 0.00  | 336.35 | 0.00       | 336.35 |
|          | MT1A          | 0.00  | 45.80  | 0.00       | 45.80  |
|          | PO1E          | 0.00  | 96.95  | 0.00       | 96.95  |
|          | TS1E          | 0.00  | 480.05 | 0.00       | 480.05 |
|          | Sub Total ( ) | 0.00  | 959.15 | 0.00       | 959.15 |
|          | Grand Total   | 0.00  | 959.15 | 0.00       | 959.15 |

December 08, 2020  
10:13 am

Cantilo & Bennett, L.L.P.  
Bill Register

Page 1

| Client and Matter   | Date     | Inv No | Fees | Costs  | Credits | Total  |
|---|----------|--------|------|--------|---------|--------|
| 70750 Nevada Health CO-OP<br>70750001 Takeover Administration | 09/30/20 | 25034  | 0.00 | 823.95 | 0.00    | 823.95 |
| 70750002 Legal  | 09/30/20 | 25035  | 0.00 | 1.20   | 0.00    | 1.20   |
| 70750003 Claims   | 09/30/20 | 25036  | 0.00 | 89.40  | 0.00    | 89.40  |
| 70750102 NHC vs. CMS Litigation                               | 09/30/20 | 25037  | 0.00 | 44.60  | 0.00    | 44.60  |
| Totals ( 4)   |          |        | 0.00 | 959.15 | 0.00    | 959.15 |

# CANTILO & BENNETT, L.L.P.

ATTORNEYS & COUNSELORS  
*A Texas Registered Limited Liability Partnership  
Comprised of Professional Corporations*

11401 Century Oaks Terrace  
Suite 300

Telephone: (512) 478-6000

Austin, Texas 78758  
www.cb-firm.com

Facsimile: (512) 404-6550

December 31, 2020

## BILL SUMMARY

70750 Nevada Health Co-Op ("NHC")

October 1 - October 31, 2020

| <u>Matter No. and Description</u> | <u>Invoice<br/>Numbers</u> | <u>Fees</u>  | <u>Costs</u> | <u>Total</u> |
|-----------------------------------|----------------------------|--------------|--------------|--------------|
| October 2020                      | 25052-<br>25060            | \$ 68,190.00 | \$ 1,065.68  | \$ 69,255.68 |
| <b>Totals (1)</b>                 |                            | \$ 68,190.00 | \$ 1,065.68  | \$ 69,255.68 |

## **Cantilo & Bennett, L.L.P.**

**NEVADA HEALTH CO-OP  
TIMEKEEPER SUMMARY REPORT  
10/1/20 - 10/31/20**

|    |                                   | <b>Billable<br/>Hours</b> | <b>Billable<br/>Rate</b> | <b>October<br/>Billing</b> |
|----|-----------------------------------|---------------------------|--------------------------|----------------------------|
| 1  | Timekeeper - Patrick H. Cantilo   | 0.00                      | \$490.00                 | \$0.00                     |
| 2  | Timekeeper - Mark F. Bennett      | 61.35                     | \$400.00                 | \$24,540.00                |
| 3  | Timekeeper - Kristen W. Johnson   | 30.50                     | \$300.00                 | \$9,150.00                 |
| 4  | Timekeeper - Josh O. Lively       | 165.00                    | \$200.00                 | \$33,000.00                |
| 5  | Timekeeper - Douglas J. Coonfield | 0.00                      | \$200.00                 | \$0.00                     |
| 6  | Timekeeper - Jose M. Rangel       | 0.00                      | \$350.00                 | \$0.00                     |
| 7  | Timekeeper - Arati Bhattacharya   | 0.00                      | \$300.00                 | \$0.00                     |
| 8  | Timekeeper - Law Clerk            | 0.00                      | \$85.00                  | \$0.00                     |
| 9  | Timekeeper - Isaiah Samaniego     | 11.00                     | \$125.00                 | \$1,375.00                 |
| 10 | TimeKeeper - Pierre Riou          | 0.00                      | \$300.00                 | \$0.00                     |
| 11 | TimeKeeper - Jeffrey L. Collins   | 1.00                      | \$125.00                 | \$125.00                   |
|    | <b>GRAND TOTAL</b>                | <b>268.85</b>             |                          | <b>\$68,190.00</b>         |

Date 10/01/2020:10/31/2020  
Client ID 70750  
Staff ID mfb

|                 | Day of Month |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | Total  |       |
|-----------------|--------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|-------|
|                 | 1            | 2   | 3   | 4   | 5   | 6   | 7   | 8   | 9   | 10  | 11  | 12  | 13  | 14  | 15  | 16  | 17  | 18  | 19  | 20  | 21  | 22  | 23  | 24  | 25  | 26  | 27  | 28  | 29  | 30  | 31  | Total  |       |
| MFB             |              |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        | 0.80  |
| 70750003        | 0.3          |     |     |     |     |     |     |     |     |     |     |     |     | 0.3 |     |     |     |     | 0.3 |     |     |     |     |     |     |     |     |     |     |     |     | 0.25   |       |
| 70750004        |              |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        | 4.75  |
| 70750008        |              | 1.8 |     |     |     | 1.3 | 0.8 | 0.5 |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        | 51.25 |
| 70750100        |              | 2.0 |     |     |     | 2.0 | 2.5 | 2.3 | 6.5 |     |     | 4.0 | 3.0 | 3.8 | 2.5 |     |     | 1.8 | 3.0 | 6.0 | 2.3 | 3.0 |     |     | 1.0 | 1.5 | 2.0 | 0.8 | 1.5 |     |     | 2.0    | 4.30  |
| 70750102        |              |     |     |     |     |     |     | 0.3 |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | 1.0 | 1.0 |     |     |     |     |        |       |
| Sub Total (MFB) |              |     |     |     |     | 3.3 | 3.3 | 3.1 | 6.5 |     | 4.0 | 3.0 | 4.1 | 2.5 |     |     | 1.8 | 3.3 | 6.0 | 2.5 | 3.0 |     | 2.0 | 2.5 | 2.0 | 2.5 | 2.5 | 0.8 | 3.5 |     |     | 61.35* |       |
|                 | 0.3          | 3.8 |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |       |
| Grand Total     |              |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |       |
|                 | 0.3          | 3.8 | 0.0 | 0.0 | 0.0 | 3.3 | 3.3 | 3.1 | 6.5 | 0.0 | 4.0 | 3.0 | 4.1 | 2.5 | 0.0 | 0.0 | 0.0 | 1.8 | 3.3 | 6.0 | 2.5 | 3.0 | 0.0 | 0.0 | 0.0 | 2.0 | 2.5 | 2.5 | 0.8 | 3.5 | 0.0 |        | 61.35 |

**2480**

Date 10/01/2020:10/31/2020  
Client ID 70750  
Staff ID kwj

|                 | Day of Month |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | Total  |
|-----------------|--------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|                 | 1            | 2   | 3   | 4   | 5   | 6   | 7   | 8   | 9   | 10  | 11  | 12  | 13  | 14  | 15  | 16  | 17  | 18  | 19  | 20  | 21  | 22  | 23  | 24  | 25  | 26  | 27  | 28  | 29  | 30  | 31  |        |
| KWJ             |              |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
| 70750003        | 2.5          | 2.4 |     |     | 5.7 | 2.9 | 1.2 | 1.5 | 2.2 |     |     |     | 2.0 |     |     |     |     |     | 0.5 | 1.6 | 0.6 | 0.6 |     |     |     | 0.5 |     |     | 0.2 |     |     | 23.30  |
| 70750008        |              | 1.8 |     |     |     | 0.4 | 0.3 |     |     |     |     |     |     |     |     |     |     |     | 0.5 |     | 0.6 | 0.1 |     |     |     |     |     |     |     |     |     | 3.70   |
| 70750100        |              |     |     |     |     |     | 1.1 |     |     |     |     |     |     |     |     |     |     |     |     |     | 2.4 |     |     |     |     |     |     |     |     |     |     | 3.50   |
| Sub Total (KWJ) |              |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|                 | 2.5          | 4.2 |     |     | 5.7 | 3.3 | 2.6 | 1.5 | 2.2 |     |     |     | 2.0 |     |     |     |     | 0.5 | 1.6 | 3.0 | 0.7 |     |     |     |     | 0.5 |     |     | 0.2 |     |     | 30.50* |
| Grand Total     |              |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|                 | 2.5          | 4.2 | 0.0 | 0.0 | 5.7 | 3.3 | 2.6 | 1.5 | 2.2 | 0.0 | 0.0 | 0.0 | 2.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.5 | 1.6 | 3.0 | 0.7 | 0.0 | 0.0 | 0.0 | 0.5 | 0.0 | 0.0 | 0.2 | 0.0 | 0.0 | 30.50  |

Date 10/01/2020:10/31/2020  
Client ID 70750  
Staff ID jol

|                 | Day of Month |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | Total   |
|-----------------|--------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|---------|
|                 | 1            | 2   | 3   | 4   | 5   | 6   | 7   | 8   | 9   | 10  | 11  | 12  | 13  | 14  | 15  | 16  | 17  | 18  | 19  | 20  | 21  | 22  | 23  | 24  | 25  | 26  | 27  | 28  | 29  | 30  | 31  |         |
| JOL             |              |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |         |
| 70750100        |              |     |     |     | 8.0 | 8.0 | 5.0 | 8.0 | 9.0 | 4.5 |     | 8.0 | 8.0 | 8.5 | 8.0 | 8.0 |     | 8.0 | 8.5 | 9.0 | 8.0 | 8.0 |     |     |     | 8.0 | 8.0 | 8.0 | 8.0 |     | 3.5 | 165.00  |
| Sub Total (JOL) | 5.0          |     |     |     | 8.0 | 8.0 | 5.0 | 8.0 | 9.0 | 4.5 |     | 8.0 | 8.0 | 8.5 | 8.0 | 8.0 |     | 8.0 | 8.5 | 9.0 | 8.0 | 8.0 |     |     |     | 8.0 | 8.0 | 8.0 | 8.0 |     | 3.5 | 165.00* |
| Grand Total     |              |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |         |
|                 | 0.0          | 5.0 | 0.0 | 0.0 | 8.0 | 8.0 | 5.0 | 8.0 | 9.0 | 4.5 | 0.0 | 8.0 | 8.0 | 8.5 | 8.0 | 8.0 | 0.0 | 8.0 | 8.5 | 9.0 | 8.0 | 8.0 | 8.0 | 0.0 | 0.0 | 8.0 | 8.0 | 8.0 | 8.0 | 0.0 | 3.5 | 165.00  |



Date 10/01/2020:10/31/2020  
Client ID 70750  
Staff ID ixs

|                 | Day of Month |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | Total  |
|-----------------|--------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|                 | 1            | 2   | 3   | 4   | 5   | 6   | 7   | 8   | 9   | 10  | 11  | 12  | 13  | 14  | 15  | 16  | 17  | 18  | 19  | 20  | 21  | 22  | 23  | 24  | 25  | 26  | 27  | 28  | 29  | 30  | 31  |        |
| IXS             |              |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
| 70750008        |              | 0.3 |     |     |     | 2.0 | 0.3 | 0.5 | 0.5 |     |     | 1.0 | 0.8 | 1.0 | 0.8 |     | 1.0 |     | 1.0 | 1.0 | 0.5 |     | 0.5 | 0.5 | 0.5 | 0.5 | 0.5 | 0.5 |     |     |     | 11.00  |
| Sub Total (IXS) | 0.3          |     |     |     |     | 2.0 | 0.3 | 0.5 | 0.5 |     |     | 1.0 | 0.8 | 1.0 | 0.8 |     | 1.0 |     | 1.0 | 1.0 | 0.5 |     | 0.5 | 0.5 | 0.5 | 0.5 | 0.5 | 0.5 |     |     |     | 11.00* |
| Grand Total     |              |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|                 | 0.0          | 0.3 | 0.0 | 0.0 | 0.0 | 2.0 | 0.3 | 0.5 | 0.5 | 0.0 | 0.0 | 0.0 | 1.0 | 0.8 | 1.0 | 0.8 | 0.0 | 0.0 | 1.0 | 0.0 | 1.0 | 0.0 | 0.5 | 0.0 | 0.0 | 0.5 | 0.5 | 0.5 | 0.0 | 0.0 | 0.0 | 11.00  |

December 29, 2020  
8:55 am

Cantilo & Bennett, L.L.P.  
Bill Register

Page 1

| Client and Matter                            | Date     | Inv No | Fees      | Costs | Credits | Total     |
|--|----------|--------|-----------|-------|---------|-----------|
| 70750 Nevada Health CO-OP<br>70750003 Claims | 10/31/20 | 25106  | 7,310.00  | 0.00  | 0.00    | 7,310.00  |
| 70750004 Financial Matters                   | 10/31/20 | 25055  | 100.00    | 0.00  | 0.00    | 100.00    |
| 70750008 Company Administration              | 10/31/20 | 25057  | 4,385.00  | 0.00  | 0.00    | 4,385.00  |
| 70750100 Asset Recovery                      | 10/31/20 | 25059  | 54,550.00 | 0.00  | 0.00    | 54,550.00 |
| 70750102 NHC vs. CMS Litigation              | 10/31/20 | 25060  | 1,845.00  | 0.00  | 0.00    | 1,845.00  |
| Totals ( 5)                                  |          |        | 68,190.00 | 0.00  | 0.00    | 68,190.00 |

December 31, 2020  
12:30 pm

Cantilo & Bennett, L.L.P.  
Unbilled Timekeeper Work by Matter

Page 1  
[pr 3b]

Client ID 70750  
Work Date 10/1/20:10/31/2020

| TimeKeeper             |                        | Hours  | Fees      | NC Hours | NC Fees |
|------------------------|------------------------|--------|-----------|----------|---------|
| MFB MARK F. BENNETT    |                        |        |           |          |         |
| 70750003               | Claims                 | 0.80   | 320.00    | 0.00     | 0.00    |
| 70750004               | Financial Matters      | 0.25   | 100.00    | 0.00     | 0.00    |
| 70750008               | Company Administration | 4.75   | 1,900.00  | 0.00     | 0.00    |
| 70750100               | Asset Recovery         | 51.25  | 20,500.00 | 0.00     | 0.00    |
| 70750102               | NHC vs. CMS Litigation | 4.30   | 1,720.00  | 0.00     | 0.00    |
|                        | Sub Total (MFB)        | 61.35  | 24,540.00 | 0.00     | 0.00*   |
| JLC JEFFREY L. COLLINS |                        |        |           |          |         |
| 70750102               | NHC vs. CMS Litigation | 1.00   | 125.00    | 0.00     | 0.00    |
|                        | Sub Total (JLC)        | 1.00   | 125.00    | 0.00     | 0.00*   |
| KWJ KRISTEN W. JOHNSON |                        |        |           |          |         |
| 70750003               | Claims                 | 23.30  | 6,990.00  | 0.00     | 0.00    |
| 70750008               | Company Administration | 3.70   | 1,110.00  | 0.00     | 0.00    |
| 70750100               | Asset Recovery         | 3.50   | 1,050.00  | 0.00     | 0.00    |
|                        | Sub Total (KWJ)        | 30.50  | 9,150.00  | 0.00     | 0.00*   |
| JOL JOSHUA O. LIVELY   |                        |        |           |          |         |
| 70750100               | Asset Recovery         | 165.00 | 33,000.00 | 0.00     | 0.00    |
|                        | Sub Total (JOL)        | 165.00 | 33,000.00 | 0.00     | 0.00*   |
| IXS ISAAH SAMANIEGO    |                        |        |           |          |         |
| 70750008               | Company Administration | 11.00  | 1,375.00  | 0.00     | 0.00    |
|                        | Sub Total (IXS)        | 11.00  | 1,375.00  | 0.00     | 0.00*   |
| Grand Total            |                        | 268.85 | 68,190.00 | 0.00     | 0.00    |

December 29, 2020  
8:53 am

Cantilo & Bennett, L.L.P.  
Bill Register

Page 1

| Client and Matter   | Date     | Inv No | Fees | Costs    | Credits | Total    |
|---|----------|--------|------|----------|---------|----------|
| 70750 Nevada Health CO-OP<br>70750001 Takeover Administration | 10/31/20 | 25052  | 0.00 | 820.28   | 0.00    | 820.28   |
| 70750003 Claims   | 10/31/20 | 25054  | 0.00 | 245.40   | 0.00    | 245.40   |
| Totals ( 2)   |          |        | 0.00 | 1,065.68 | 0.00    | 1,065.68 |

Work Date 10/01/2020:10/31/2020  
Client ID 70750

| Staff ID | Cost Code              | Units | Amount   | Write Down | Total    |
|----------|------------------------|-------|----------|------------|----------|
|          | PO1E POSTAGE           | 0.00  | 247.40   | 0.00       | 247.40   |
|          | TS1E TELEPHONE CHARGES | 0.00  | 818.28   | 0.00       | 818.28   |
|          | Sub Total ( )          | 0.00  | 1,065.68 | 0.00       | 1,065.68 |
|          | Grand Total            | 0.00  | 1,065.68 | 0.00       | 1,065.68 |

# CANTILO & BENNETT, L.L.P.

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February 4, 2021

## BILL SUMMARY

70750 Nevada Health Co-Op ("NHC")

November 1 - November 30, 2020

| <u>Matter No. and Description</u> | <u>Invoice<br/>Numbers</u> | <u>Fees</u>  | <u>Costs</u> | <u>Total</u> |
|-----------------------------------|----------------------------|--------------|--------------|--------------|
| November 2020                     | 25194-<br>25199            | \$ 55,050.00 | \$ 663.00    | \$ 55,713.00 |
| <b>Totals (1)</b>                 |                            | \$ 55,050.00 | \$ 663.00    | \$ 55,713.00 |

## Cantilo & Bennett, L.L.P.

NEVADA HEALTH CO-OP  
TIMEKEEPER SUMMARY REPORT  
11/1/20 - 11/30/20

|    |                                   | Billable<br>Hours | Billable<br>Rate | November<br>Billing |
|----|-----------------------------------|-------------------|------------------|---------------------|
| 1  | Timekeeper - Patrick H. Cantilo   | 0.00              | \$490.00         | \$0.00              |
| 2  | Timekeeper - Mark F. Bennett      | 59.45             | \$400.00         | \$23,780.00         |
| 3  | Timekeeper - Kristen W. Johnson   | 10.90             | \$300.00         | \$3,270.00          |
| 4  | Timekeeper - Josh O. Lively       | 136.50            | \$200.00         | \$27,300.00         |
| 5  | Timekeeper - Douglas J. Coonfield | 0.00              | \$200.00         | \$0.00              |
| 6  | Timekeeper - Jose M. Rangel       | 0.00              | \$350.00         | \$0.00              |
| 7  | Timekeeper - Arati Bhattacharya   | 0.00              | \$300.00         | \$0.00              |
| 8  | Timekeeper - Law Clerk            | 0.00              | \$85.00          | \$0.00              |
| 9  | Timekeeper - Isaiah Samaniego     | 4.20              | \$125.00         | \$525.00            |
| 10 | TimeKeeper - Pierre Riou          | 0.00              | \$300.00         | \$0.00              |
| 11 | TimeKeeper - Jeffrey L. Collins   | 1.40              | \$125.00         | \$175.00            |
|    | GRAND TOTAL                       | 212.45            |                  | \$55,050.00         |

Date 11/01/2020:11/30/2020  
Client ID 70750  
Staff ID MFB

|                 | Day of Month |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |   | Total  |
|-----------------|--------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|---|--------|
|                 | 1            | 2   | 3   | 4   | 5   | 6   | 7   | 8   | 9   | 10  | 11  | 12  | 13  | 14  | 15  | 16  | 17  | 18  | 19  | 20  | 21  | 22  | 23  | 24  | 25  | 26  | 27  | 28  | 29  | 30  | 1 |        |
| MFB             |              |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |   |        |
| 70750008        |              | 0.3 | 0.3 |     |     | 0.3 |     |     |     |     |     |     |     |     |     | 0.5 | 0.3 |     |     |     |     |     | 0.3 | 0.3 |     |     |     |     |     |     |   | 2.15   |
| 70750100        |              | 2.5 | 1.0 | 3.0 | 2.0 | 3.5 | 2.0 |     | 3.5 | 3.0 | 1.5 | 3.0 | 1.5 | 2.5 | 1.5 | 1.5 | 2.0 | 0.3 |     |     | 1.5 |     | 0.5 |     | 3.0 | 2.5 | 6.0 |     | 2.5 |     |   | 48.75  |
| 70750102        |              |     | 1.3 |     |     | 0.3 |     |     | 0.5 | 0.8 | 2.5 | 0.3 | 1.0 |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | 0.5 |     |   | 8.55   |
| Sub Total (MFB) | 2.8          | 2.6 | 3.0 | 3.0 | 2.0 | 4.1 | 2.0 |     | 3.5 | 3.5 | 2.3 | 5.5 | 1.8 | 3.5 | 1.5 | 2.0 | 2.0 | 0.5 |     | 1.5 |     | 0.5 | 0.3 | 3.3 |     | 2.5 | 6.0 |     | 3.0 |     |   | 59.45* |
| Grand Total     | 0.0          | 2.8 | 2.6 | 3.0 | 2.0 | 4.1 | 2.0 | 0.0 | 3.5 | 3.5 | 2.3 | 5.5 | 1.8 | 3.5 | 1.5 | 2.0 | 2.0 | 0.5 | 0.0 | 1.5 | 0.0 | 0.5 | 0.3 | 3.3 | 0.0 | 2.5 | 6.0 | 0.0 | 3.0 | 0.0 |   | 59.45  |



Date 11/01/2020:11/30/2020  
Client ID 70750  
Staff ID JLC

|                 | Day of Month |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | Total |       |      |
|-----------------|--------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|-------|------|
|                 | 1            | 2   | 3   | 4   | 5   | 6   | 7   | 8   | 9   | 10  | 11  | 12  | 13  | 14  | 15  | 16  | 17  | 18  | 19  | 20  | 21  | 22  | 23  | 24  | 25  | 26  | 27  | 28  | 29  | 30  | 1   |       |       |      |
| JLC             |              |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |       |      |
| 70750003        |              |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | 0.4 |     |     |     |     |     |       |       | 0.40 |
| 70750102        |              | 0.2 |     |     |     |     |     |     | 0.2 |     |     |     |     |     |     | 0.2 |     |     |     |     |     |     | 0.2 |     |     |     |     |     |     |     | 0.2 |       |       | 1.00 |
| Sub Total (JLC) |              | 0.2 |     |     |     |     |     | 0.2 |     |     |     |     |     |     |     | 0.2 |     |     |     |     |     | 0.2 |     | 0.4 |     |     |     |     |     | 0.2 |     |       | 1.40* |      |
| Grand Total     | 0.0          | 0.2 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.2 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.2 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.2 | 0.0 | 0.4 | 0.0 | 0.0 | 0.0 | 0.0 | 0.2 | 0.0 | 0.0 |       | 1.40  |      |

Date 11/01/2020-11/30/2020  
Client ID 70750  
Staff ID KWJ

|             |                 | Day of Month |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|-------------|-----------------|--------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|             |                 | 1            | 2   | 3   | 4   | 5   | 6   | 7   | 8   | 9   | 10  | 11  | 12  | 13  | 14  | 15  | 16  | 17  | 18  | 19  | 20  | 21  | 22  | 23  | 24  | 25  | 26  | 27  | 28  | 29  | 30  | 1   | Total  |
| KWJ         |                 |              |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|             | 70750003        |              | 1.0 | 0.5 |     |     |     |     |     |     | 1.8 |     |     |     |     |     |     | 0.1 |     |     |     |     |     | 0.5 |     |     |     |     |     |     |     |     | 3.90   |
|             | 70750100        |              |     |     |     | 0.5 |     |     | 1.5 | 0.5 | 1.4 | 1.1 | 1.0 |     |     | 1.0 |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | 7.00   |
|             | Sub Total (KWJ) |              | 1.0 | 0.5 |     | 0.5 |     |     | 1.5 | 2.3 | 1.4 | 1.1 | 1.0 |     |     | 1.0 | 0.1 |     |     |     |     |     | 0.5 |     |     |     |     |     |     |     |     |     | 10.90* |
| Grand Total |                 | 0.0          | 1.0 | 0.5 | 0.0 | 0.5 | 0.0 | 0.0 | 1.5 | 2.3 | 1.4 | 1.1 | 1.0 | 0.0 | 0.0 | 1.0 | 0.1 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.5 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 10.90  |

Date 11/01/2020:11/30/2020  
Client ID 70750  
Staff ID JOL

|                 | Day of Month |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | Total   |
|-----------------|--------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|---------|
|                 | 1            | 2   | 3   | 4   | 5   | 6   | 7   | 8   | 9   | 10  | 11  | 12  | 13  | 14  | 15  | 16  | 17  | 18  | 19  | 20  | 21  | 22  | 23  | 24  | 25  | 26  | 27  | 28  | 29  | 30  | 1   |         |
| JOL             |              |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |         |
| 70750100        | 8.0          | 8.0 | 8.0 | 8.0 | 8.0 | 8.0 |     |     | 8.0 | 8.0 | 8.0 | 8.0 | 8.0 |     | 8.0 | 8.0 | 8.0 | 8.0 | 8.0 | 8.0 | 8.0 |     | 8.0 | 8.0 |     |     |     |     |     | 8.5 |     | 136.50  |
| Sub Total (JOL) | 8.0          | 8.0 | 8.0 | 8.0 | 8.0 | 8.0 |     | 8.0 | 8.0 |     | 8.0 | 8.0 |     |     | 8.0 | 8.0 | 8.0 | 8.0 | 8.0 | 8.0 |     | 8.0 | 8.0 |     |     |     |     |     |     | 8.5 |     | 136.50* |
| Grand Total     | 0.0          | 8.0 | 8.0 | 8.0 | 8.0 | 8.0 | 0.0 | 0.0 | 8.0 | 8.0 | 0.0 | 8.0 | 8.0 | 0.0 | 0.0 | 8.0 | 8.0 | 8.0 | 8.0 | 8.0 | 0.0 | 8.0 | 8.0 | 0.0 | 8.0 | 8.0 | 0.0 | 0.0 | 0.0 | 8.5 | 0.0 | 136.50  |

Date 11/01/2020:11/30/2020  
Client ID 70750  
Staff ID IXS

|                 | Day of Month |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|-----------------|--------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
|                 | 1            | 2   | 3   | 4   | 5   | 6   | 7   | 8   | 9   | 10  | 11  | 12  | 13  | 14  | 15  | 16  | 17  | 18  | 19  | 20  | 21  | 22  | 23  | 24  | 25  | 26  | 27  | 28  | 29  | 30  | 1   | Total |
| IXS             |              |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
| 70750003        |              |     |     |     |     |     |     |     |     |     | 0.1 | 0.3 |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | 0.35  |
| 70750008        | 1.3          |     |     | 0.8 | 0.3 | 0.3 |     |     | 0.3 | 0.1 |     |     |     |     |     |     | 0.3 | 0.3 |     | 0.3 |     |     |     |     |     |     |     |     |     | 0.3 |     | 3.85  |
| Sub Total (IXS) | 1.3          |     |     | 0.8 | 0.3 | 0.3 |     |     | 0.3 | 0.1 | 0.1 | 0.3 |     |     |     |     | 0.3 | 0.3 |     | 0.3 |     |     |     |     |     |     |     |     |     | 0.3 |     | 4.20* |
| Grand Total     | 0.0          | 1.3 | 0.0 | 0.8 | 0.3 | 0.3 | 0.0 | 0.0 | 0.3 | 0.1 | 0.1 | 0.0 | 0.3 | 0.0 | 0.0 | 0.0 | 0.3 | 0.3 | 0.0 | 0.3 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.3 | 0.0 | 4.20  |

February 04, 2021  
1:56 pm

Cantilo & Bennett, L.L.P.  
Unbilled Timekeeper Work by Matter

Page 1  
[pr 3b]

Client ID 70750  
Work Date 11/1/20:11/30/2020

| TimeKeeper             |                        | Hours  | Fees      | NC Hours | NC Fees |
|------------------------|------------------------|--------|-----------|----------|---------|
| MFB MARK F. BENNETT    |                        |        |           |          |         |
| 70750008               | Company Administration | 2.15   | 860.00    | 0.00     | 0.00    |
| 70750100               | Asset Recovery         | 48.75  | 19,500.00 | 0.00     | 0.00    |
| 70750102               | NHC vs. CMS Litigation | 8.55   | 3,420.00  | 0.00     | 0.00    |
|                        | Sub Total (MFB)        | 59.45  | 23,780.00 | 0.00     | 0.00*   |
| JLC JEFFREY L. COLLINS |                        |        |           |          |         |
| 70750003               | Claims                 | 0.40   | 50.00     | 0.00     | 0.00    |
| 70750102               | NHC vs. CMS Litigation | 1.00   | 125.00    | 0.00     | 0.00    |
|                        | Sub Total (JLC)        | 1.40   | 175.00    | 0.00     | 0.00*   |
| KWJ KRISTEN W. JOHNSON |                        |        |           |          |         |
| 70750003               | Claims                 | 3.90   | 1,170.00  | 0.00     | 0.00    |
| 70750100               | Asset Recovery         | 7.00   | 2,100.00  | 0.00     | 0.00    |
|                        | Sub Total (KWJ)        | 10.90  | 3,270.00  | 0.00     | 0.00*   |
| JOL JOSHUA O. LIVELY   |                        |        |           |          |         |
| 70750100               | Asset Recovery         | 136.50 | 27,300.00 | 0.00     | 0.00    |
|                        | Sub Total (JOL)        | 136.50 | 27,300.00 | 0.00     | 0.00*   |
| IXS ISAIAH SAMANIEGO   |                        |        |           |          |         |
| 70750003               | Claims                 | 0.35   | 43.75     | 0.00     | 0.00    |
| 70750008               | Company Administration | 3.85   | 481.25    | 0.00     | 0.00    |
|                        | Sub Total (IXS)        | 4.20   | 525.00    | 0.00     | 0.00*   |
| Grand Total            |                        | 212.45 | 55,050.00 | 0.00     | 0.00    |

February 04, 2021  
11:16 am

Cantilo & Bennett, L.L.P.  
Bill Register

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| Client and Matter                            | Date     | Inv No | Fees      | Costs | Credits | Total     |
|--|----------|--------|-----------|-------|---------|-----------|
| 70750 Nevada Health CO-OP<br>70750003 Claims | 11/30/20 | 25199  | 1,263.75  | 0.00  | 0.00    | 1,263.75  |
| 70750008 Company Administration              | 11/30/20 | 25196  | 1,341.25  | 0.00  | 0.00    | 1,341.25  |
| 70750100 Asset Recovery                      | 11/30/20 | 25197  | 48,900.00 | 0.00  | 0.00    | 48,900.00 |
| 70750102 NHC vs. CMS Litigation              | 11/30/20 | 25198  | 3,545.00  | 0.00  | 0.00    | 3,545.00  |
| Totals ( 4)                                  |          |        | 55,050.00 | 0.00  | 0.00    | 55,050.00 |

| Staff ID | Cost Code              | Units | Amount | Write Down | Total  |
|----------|------------------------|-------|--------|------------|--------|
|          | PO1E POSTAGE           | 0.00  | 2.40   | 0.00       | 2.40   |
|          | TS1E TELEPHONE CHARGES | 0.00  | 660.60 | 0.00       | 660.60 |
|          | Sub Total ( )          | 0.00  | 663.00 | 0.00       | 663.00 |
|          | Grand Total            | 0.00  | 663.00 | 0.00       | 663.00 |

February 04, 2021  
11:15 am

Cantilo & Bennett, L.L.P.  
Bill Register

Page 1

| Client and Matter   | Date     | Inv No | Fees | Costs  | Credits | Total  |
|---|----------|--------|------|--------|---------|--------|
| 70750 Nevada Health CO-OP<br>70750001 Takeover Administration | 11/30/20 | 25194  | 0.00 | 661.60 | 0.00    | 661.60 |
| 70750003 Claims   | 11/30/20 | 25195  | 0.00 | 1.40   | 0.00    | 1.40   |
| Totals ( 2)   |          |        | 0.00 | 663.00 | 0.00    | 663.00 |



# CANTILO & BENNETT, L.L.P.

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Austin, Texas 78758  
www.cb-firm.com

Facsimile: (512) 404-6550

March 16, 2021

## BILL SUMMARY

70750 Nevada Health Co-Op ("NHC")

December 1 - December 31, 2020

| <u>Matter No. and Description</u> | <u>Invoice<br/>Numbers</u>         | <u>Fees</u>  | <u>Costs</u> | <u>Total</u> |
|-----------------------------------|------------------------------------|--------------|--------------|--------------|
| December 2020                     | 25281-<br>25280<br>25310-<br>25312 | \$ 44,081.25 | \$ 750.42    | \$ 44,831.67 |
| <b>Totals (1)</b>                 |                                    | \$ 44,081.25 | \$ 750.42    | \$ 44,831.67 |

## Cantilo & Bennett, L.L.P.

NEVADA HEALTH CO-OP  
TIMEKEEPER SUMMARY REPORT  
12/1/20-12/31/20

|    |                                   | Billable<br>Hours | Billable<br>Rate | December<br>Billing |
|----|-----------------------------------|-------------------|------------------|---------------------|
| 1  | Timekeeper - Patrick H. Cantilo   | 0.00              | \$490.00         | \$0.00              |
| 2  | Timekeeper - Mark F. Bennett      | 40.25             | \$400.00         | \$16,100.00         |
| 3  | Timekeeper - Kristen W. Johnson   | 29.50             | \$300.00         | \$8,850.00          |
| 4  | Timekeeper - Josh O. Lively       | 95.00             | \$200.00         | \$19,000.00         |
| 5  | Timekeeper - Douglas J. Coonfield | 0.00              | \$200.00         | \$0.00              |
| 6  | Timekeeper - Jose M. Rangel       | 0.00              | \$350.00         | \$0.00              |
| 7  | Timekeeper - Arati Bhattacharya   | 0.00              | \$300.00         | \$0.00              |
| 8  | Timekeeper - Law Clerk            | 0.00              | \$85.00          | \$0.00              |
| 9  | Timekeeper - Isaiah Samaniego     | 0.45              | \$125.00         | \$56.25             |
| 10 | TimeKeeper - Pierre Riou          | 0.00              | \$300.00         | \$0.00              |
| 11 | TimeKeeper - Jeffrey L. Collins   | 0.60              | \$125.00         | \$75.00             |
|    | GRAND TOTAL                       | 165.80            |                  | \$44,081.25         |

Date 12/01/2020:12/31/2020  
Client ID 70750  
Staff ID mfb

|                 | Day of Month |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        | Total |
|-----------------|--------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|-------|
|                 | 1            | 2   | 3   | 4   | 5   | 6   | 7   | 8   | 9   | 10  | 11  | 12  | 13  | 14  | 15  | 16  | 17  | 18  | 19  | 20  | 21  | 22  | 23  | 24  | 25  | 26  | 27  | 28  | 29  | 30  | 31     |       |
| MFB             |              |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |       |
| 70750008        |              | 0.3 | 0.3 |     |     |     |     |     |     | 0.3 |     |     |     |     |     | 0.8 |     |     |     | 1.0 |     |     | 2.8 |     |     |     |     |     |     |     |        | 6.30  |
| 70750100        | 2.0          | 2.0 | 1.0 | 2.5 |     |     | 2.0 | 1.0 | 2.8 | 1.5 | 2.5 |     | 5.5 | 7.0 | 1.8 | 1.5 |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        | 33.00 |
| 70750102        |              |     |     | 0.3 |     |     |     |     |     |     | 0.5 |     |     |     | 0.2 |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        | 0.95  |
| Sub Total (MFB) | 2.0          | 2.3 | 1.3 | 2.8 |     |     | 2.0 | 1.5 | 3.3 | 1.8 | 3.0 |     | 5.5 | 7.0 | 2.7 | 1.5 |     |     | 1.0 |     | 2.8 |     |     |     |     |     |     |     |     |     | 40.25* |       |
| Grand Total     | 2.0          | 2.3 | 1.3 | 2.8 | 0.0 | 0.0 | 2.0 | 1.5 | 3.3 | 1.8 | 3.0 | 0.0 | 5.5 | 7.0 | 2.7 | 1.5 | 0.0 | 0.0 | 0.0 | 1.0 | 0.0 | 2.8 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 40.25  |       |

Date 12/01/2020:12/31/2020  
Client ID 70750  
Staff ID jlc

|                 | Day of Month |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | Total |
|-----------------|--------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
|                 | 1            | 2   | 3   | 4   | 5   | 6   | 7   | 8   | 9   | 10  | 11  | 12  | 13  | 14  | 15  | 16  | 17  | 18  | 19  | 20  | 21  | 22  | 23  | 24  | 25  | 26  | 27  | 28  | 29  | 30  | 31  |       |
| JLC             |              |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
| 70750102        |              |     |     |     |     |     | 0.2 |     |     |     |     |     | 0.2 |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | 0.60  |
| Sub Total (JLC) |              |     |     |     |     |     | 0.2 |     |     |     |     |     | 0.2 |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | 0.60* |
| Grand Total     | 0.0          | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.2 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.2 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.2 | 0.0 | 0.0 | 0.0 | 0.60  |

Date 12/01/2020:12/31/2020  
Client ID 70750  
Staff ID kwj

|                 | Day of Month |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | Total  |
|-----------------|--------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|                 | 1            | 2   | 3   | 4   | 5   | 6   | 7   | 8   | 9   | 10  | 11  | 12  | 13  | 14  | 15  | 16  | 17  | 18  | 19  | 20  | 21  | 22  | 23  | 24  | 25  | 26  | 27  | 28  | 29  | 30  | 31  |        |
| KWJ             |              |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
| 70750003        |              |     | 0.6 |     |     |     |     |     | 0.2 | 0.7 |     |     |     | 1.8 | 1.8 | 4.8 | 1.6 |     |     |     |     |     |     |     |     |     |     | 6.0 | 6.5 | 3.8 | 3.0 | 24.20  |
| 70750008        |              |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | 0.5 |     |     |     |     |     |     |     |     |     |     |     |     |     | 5.30   |
| Sub Total (KWJ) |              |     | 0.6 |     |     |     |     |     | 0.2 | 0.7 |     |     |     | 1.8 | 1.8 | 4.8 | 1.6 | 0.5 |     |     |     |     |     |     |     |     |     | 6.0 | 6.5 | 3.8 | 3.0 | 29.50* |
| Grand Total     | 0.0          | 0.0 | 0.6 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.2 | 0.7 | 0.0 | 0.0 | 0.0 | 0.0 | 1.8 | 4.8 | 1.6 | 0.5 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 6.0 | 6.5 | 3.8 | 3.0 | 29.50  |

Date 12/01/2020:12/31/2020  
Client ID 70750  
Staff ID jol

|                 | Day of Month |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | Total |        |
|-----------------|--------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|--------|
|                 | 1            | 2   | 3   | 4   | 5   | 6   | 7   | 8   | 9   | 10  | 11  | 12  | 13  | 14  | 15  | 16  | 17  | 18  | 19  | 20  | 21  | 22  | 23  | 24  | 25  | 26  | 27  | 28  | 29  | 30  | 31  | Total |        |
| JOL             |              |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |        |
| 70750008        |              |     |     |     |     |     |     |     |     |     |     |     |     |     |     | 3.8 |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       | 3.75   |
| 70750100        | 8.5          |     |     | 8.0 |     | 5.5 | 8.0 |     | 8.0 |     |     |     |     | 8.5 | 8.0 | 4.8 |     | 4.5 |     | 8.0 | 8.0 |     |     |     |     | 3.5 |     | 8.0 |     |     |     |       | 91.25  |
| Sub Total (JOL) | 8.5          |     |     | 8.0 |     | 5.5 | 8.0 |     | 8.0 |     |     |     |     | 8.5 | 8.0 | 8.5 |     | 4.5 |     | 8.0 | 8.0 |     |     |     |     | 3.5 |     | 8.0 |     |     |     |       | 95.00* |
| Grand Total     | 8.5          | 0.0 | 0.0 | 8.0 | 0.0 | 5.5 | 8.0 | 0.0 | 8.0 | 0.0 | 0.0 | 0.0 | 0.0 | 8.5 | 8.0 | 8.5 | 0.0 | 4.5 | 0.0 | 8.0 | 8.0 | 0.0 | 0.0 | 0.0 | 0.0 | 3.5 | 0.0 | 8.0 | 0.0 | 0.0 | 0.0 |       | 95.00  |

Date 12/01/2020:12/31/2020  
Client ID 70750  
Staff ID ixs

|                 | Day of Month |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       | Total |
|-----------------|--------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|-------|
|                 | 1            | 2   | 3   | 4   | 5   | 6   | 7   | 8   | 9   | 10  | 11  | 12  | 13  | 14  | 15  | 16  | 17  | 18  | 19  | 20  | 21  | 22  | 23  | 24  | 25  | 26  | 27  | 28  | 29  | 30  | 31    |       |
| IXS             |              |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |       |
| 70750008        |              |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |       |
| Sub Total (IXS) |              | 0.1 |     |     |     |     |     |     |     | 0.3 |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | 0.1   | 0.45  |
|                 |              | 0.1 |     |     |     |     |     |     |     | 0.3 |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | 0.1 | 0.45* |       |
| Grand Total     | 0.0          | 0.1 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.3 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.1 | 0.0 | 0.45  |       |

March 16, 2021  
10:29 am

Cantilo & Bennett, L.L.P.  
Unbilled Timekeeper Work by Matter

Page 1  
[pr 3b]

Client ID 70750  
Work Date 12/1/20:12/31/2020

| TimeKeeper             |                        | Hours  | Fees      | NC Hours | NC Fees |
|------------------------|------------------------|--------|-----------|----------|---------|
| MFB MARK F. BENNETT    |                        |        |           |          |         |
| 70750008               | Company Administration | 6.30   | 2,520.00  | 0.00     | 0.00    |
| 70750100               | Asset Recovery         | 33.00  | 13,200.00 | 0.00     | 0.00    |
| 70750102               | NHC vs. CMS Litigation | 0.95   | 380.00    | 0.00     | 0.00    |
|                        | Sub Total (MFB)        | 40.25  | 16,100.00 | 0.00     | 0.00*   |
| JLC JEFFREY L. COLLINS |                        |        |           |          |         |
| 70750102               | NHC vs. CMS Litigation | 0.60   | 75.00     | 0.00     | 0.00    |
|                        | Sub Total (JLC)        | 0.60   | 75.00     | 0.00     | 0.00*   |
| KWJ KRISTEN W. JOHNSON |                        |        |           |          |         |
| 70750003               | Claims                 | 24.20  | 7,260.00  | 0.00     | 0.00    |
| 70750008               | Company Administration | 5.30   | 1,590.00  | 0.00     | 0.00    |
|                        | Sub Total (KWJ)        | 29.50  | 8,850.00  | 0.00     | 0.00*   |
| JOL JOSHUA O. LIVELY   |                        |        |           |          |         |
| 70750008               | Company Administration | 3.75   | 750.00    | 0.00     | 0.00    |
| 70750100               | Asset Recovery         | 91.25  | 18,250.00 | 0.00     | 0.00    |
|                        | Sub Total (JOL)        | 95.00  | 19,000.00 | 0.00     | 0.00*   |
| IXS ISAAH SAMANIEGO    |                        |        |           |          |         |
| 70750008               | Company Administration | 0.45   | 56.25     | 0.00     | 0.00    |
|                        | Sub Total (IXS)        | 0.45   | 56.25     | 0.00     | 0.00*   |
| Grand Total            |                        | 165.80 | 44,081.25 | 0.00     | 0.00    |



March 02, 2021  
12:05 pm

Cantilo & Bennett, L.L.P.  
Bill Register

Page 1

| Client and Matter                            | Date     | Inv No | Fees      | Costs | Credits | Total     |
|--|----------|--------|-----------|-------|---------|-----------|
| 70750 Nevada Health CO-OP<br>70750003 Claims | 12/31/20 | 25281  | 7,260.00  | 0.00  | 0.00    | 7,260.00  |
| 70750008 Company Administration              | 12/31/20 | 25282  | 4,916.25  | 0.00  | 0.00    | 4,916.25  |
| 70750100 Asset Recovery                      | 12/31/20 | 25279  | 31,450.00 | 0.00  | 0.00    | 31,450.00 |
| 70750102 NHC vs. CMS Litigation              | 12/31/20 | 25280  | 455.00    | 0.00  | 0.00    | 455.00    |
| Totals ( 4)                                  |          |        | 44,081.25 | 0.00  | 0.00    | 44,081.25 |

Work Date 12/01/2020:12/31/2020  
Client ID 70750

| Staff ID | Cost Code              | Units | Amount | Write Down | Total  |
|----------|------------------------|-------|--------|------------|--------|
|          | PO1E POSTAGE           | 0.00  | 86.40  | 0.00       | 86.40  |
|          | TS1A TELEPHONE CHARGES | 0.00  | 135.04 | 0.00       | 135.04 |
|          | TS1E TELEPHONE CHARGES | 0.00  | 528.98 | 0.00       | 528.98 |
|          | Sub Total ( )          | 0.00  | 750.42 | 0.00       | 750.42 |
|          | Grand Total            | 0.00  | 750.42 | 0.00       | 750.42 |

March 16, 2021  
9:38 am

Cantilo & Bennett, L.L.P.  
Bill Register

Page 1

| Client and Matter   | Date     | Inv No | Fees | Costs  | Credits | Total  |
|---|----------|--------|------|--------|---------|--------|
| 70750 Nevada Health CO-OP<br>70750001 Takeover Administration | 12/31/20 | 25310  | 0.00 | 2.50   | 0.00    | 2.50   |
| 70750003 Claims   | 12/31/20 | 25311  | 0.00 | 83.90  | 0.00    | 83.90  |
| 70750008 Company Administration                               | 12/31/20 | 25312  | 0.00 | 664.02 | 0.00    | 664.02 |
| Totals ( 3)   |          |        | 0.00 | 750.42 | 0.00    | 750.42 |

11401 Century Oaks Terrace  
Suite 310  
Austin, Texas 78758



## PALOMAR FINANCIAL, LC

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December 31, 2020

### **BILL SUMMARY**

70750 Nevada Health Co-Op ("NHC")

October 1, 2020 – October 31, 2020

| <b>Matter No. and Description</b> | <b>Fees</b>        | <b>Costs</b>  | <b>Total</b>       |
|-----------------------------------|--------------------|---------------|--------------------|
| October 2020 Non-IT Services      | \$10,732.00        | \$0.00        | \$10,732.00        |
| October 2020 IT Services Flat Fee | 5,000.00           | 0.00          | 5,000.00           |
| <b>Totals</b>                     | <b>\$15,732.00</b> | <b>\$0.00</b> | <b>\$15,732.00</b> |

## Palomar Financial, LC

NEVADA HEALTH CO-OP  
PRIVILEGED AND CONFIDENTIAL  
SUMMARY REPORT  
PERIOD OCTOBER 2020

|   |                              | Billable<br>Hours | Billable<br>Rate | October 2020<br>Billing |
|---|------------------------------|-------------------|------------------|-------------------------|
| 1 | TIME KEEPER - Nicole Wilkins | 10.30             | \$250.00         | \$2,575.00              |
| 2 | TIME KEEPER - Robert Stebel  | 1.20              | \$160.00         | \$192.00                |
| 3 | TIME KEEPER - Kelly Reed     | 17.25             | \$150.00         | \$2,587.50              |
| 4 | TIME KEEPER - Neda Khalaf    | 5.25              | \$160.00         | \$840.00                |
| 5 | TIME KEEPER - Brent Andrews  | 0.00              | \$150.00         | \$0.00                  |
| 6 | TIME KEEPER - Mary Noel      | 30.25             | \$150.00         | \$4,537.50              |
|   | GRAND TOTAL                  | 64.25             |                  | \$10,732.00             |

Palomar Financial, LC  
10/01/2020-10/31/2020  
Client: Nevada Health Co-Op ("NHC")

| Staff ID    | Name           | Description                                  | Hours | Amount       |
|-------------|----------------|--|-------|--------------|
| NMW         | Nicole Wilkins | Accounting Reports/Receivership Team Support | 1.30  | \$ 325.00    |
|             |                | General Ledger Accounting                    | 0.40  | \$ 100.00    |
|             |                | Accounts Payable and Receivable              | 2.65  | \$ 662.50    |
|             |                | Bank Account Administration/Reconciliation   | 4.75  | \$ 1,187.50  |
|             |                | Claims Matters                               | 1.20  | \$ 300.00    |
|             |                | Sub Total (NMW)                              | 10.30 | \$ 2,575.00  |
| RNS         | Robert Stebel  | Taxes & Tax Planning                         | 1.20  | \$ 192.00    |
|             |                | Sub Total (RNS)                              | 1.20  | \$ 192.00    |
| KJR         | Kelly Reed     | Accounting Reports/Receivership Team Support | 4.50  | \$ 675.00    |
|             |                | Bank Account Adminstration/Reconciliations   | 12.75 | \$ 1,912.50  |
|             |                | Sub Total (KJR)                              | 17.25 | \$ 2,587.50  |
| NK          | Neda Khalaf    | Accounting Reports/Receivership Team Support | 5.25  | \$ 840.00    |
|             |                | Sub Total (NK)                               | 5.25  | \$ 840.00    |
| BA          | Brent Andrews  | IT Support & Administration                  | 0.00  | \$ -         |
|             |                | Sub Total (BA)                               | 0.00  | \$ -         |
| MFN         | Mary Noel      | Accounts Payable and Receivable              | 30.25 | \$ 4,537.50  |
|             |                | Sub Total (MFN)                              | 30.25 | \$ 4,537.50  |
| Grand Total |                |  | 64.25 | \$ 10,732.00 |

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February 4, 2021

### **BILL SUMMARY**

70750 Nevada Health Co-Op ("NHC")

November 1, 2020 – November 30, 2020

| <b>Matter No. and Description</b>  | <b>Fees</b>        | <b>Costs</b>  | <b>Total</b>       |
|------------------------------------|--------------------|---------------|--------------------|
| November 2020 Non-IT Services      | \$6,702.50         | \$0.00        | \$6,702.50         |
| November 2020 IT Services Flat Fee | 5,000.00           | 0.00          | 5,000.00           |
| <b>Totals</b>                      | <b>\$11,702.50</b> | <b>\$0.00</b> | <b>\$11,702.50</b> |

## Palomar Financial, LC

NEVADA HEALTH CO-OP  
PRIVILEGED AND CONFIDENTIAL  
SUMMARY REPORT  
PERIOD NOVEMBER 2020

|   |                              | Billable<br>Hours | Billable<br>Rate | November 2020<br>Billing |
|---|------------------------------|-------------------|------------------|--------------------------|
| 1 | TIME KEEPER - Nicole Wilkins | 6.45              | \$250.00         | \$1,612.50               |
| 2 | TIME KEEPER - Robert Stebel  | 0.00              | \$160.00         | \$0.00                   |
| 3 | TIME KEEPER - Kelly Reed     | 11.00             | \$150.00         | \$1,650.00               |
| 4 | TIME KEEPER - Neda Khalaf    | 6.50              | \$160.00         | \$1,040.00               |
| 5 | TIME KEEPER - Brent Andrews  | 0.00              | \$150.00         | \$0.00                   |
| 6 | TIME KEEPER - Mary Noel      | 16.00             | \$150.00         | \$2,400.00               |
|   | GRAND TOTAL                  | 39.95             |                  | \$6,702.50               |



Palomar Financial, LC  
11/01/2020-11/30/2020  
Client: Nevada Health Co-Op ("NHC")

PERIOD OCTOBER 2020

| Staff ID    | Name           | Description                                  | Hours | Amount      |
|-------------|----------------|--|-------|-------------|
| NMW         | Nicole Wilkins | Accounting Reports/Receivership Team Support | 1.00  | \$ 250.00   |
|             |                | General Ledger Accounting                    | 0.60  | \$ 150.00   |
|             |                | Accounts Payable and Receivable              | 0.80  | \$ 200.00   |
|             |                | Bank Account Administration/Reconciliation   | 3.75  | \$ 937.50   |
|             |                | Claims Matters                               | 0.30  | \$ 75.00    |
|             |                | Sub Total (NMW)                              | 6.45  | \$ 1,612.50 |
| RNS         | Robert Stebel  | Taxes & Tax Planning                         | 0.00  | \$ -        |
|             |                | Sub Total (RNS)                              | 0.00  | \$ -        |
| KJR         | Kelly Reed     | Bank Account Adminstration/Reconciliations   | 11.00 | \$ 1,650.00 |
|             |                | Sub Total (KJR)                              | 11.00 | \$ 1,650.00 |
| NK          | Neda Khalaf    | Accounting Reports/Receivership Team Support | 6.50  | \$ 1,040.00 |
|             |                | Sub Total (NK)                               | 6.50  | \$ 1,040.00 |
| BA          | Brent Andrews  | IT Support & Administration                  | 0.00  | \$ -        |
|             |                | Sub Total (BA)                               | 0.00  | \$ -        |
| MFN         | Mary Noel      | Accounts Payable and Receivable              | 15.25 | \$ 2,287.50 |
|             |                | Bank Account Administration/Reconciliation   | 0.50  | \$ 75.00    |
|             |                | Sub Total (MFN)                              | 16.00 | \$ 2,400.00 |
| Grand Total |                |  | 39.95 | \$ 6,702.50 |

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March 18, 2021

### **BILL SUMMARY**

70750 Nevada Health Co-Op ("NHC")

December 1, 2020 – December 31, 2020

| <b>Matter No. and Description</b>  | <b>Fees</b>        | <b>Costs</b>  | <b>Total</b>       |
|------------------------------------|--------------------|---------------|--------------------|
| December 2020 Non-IT Services      | \$9,417.50         | \$0.00        | \$9,417.50         |
| December 2020 IT Services Flat Fee | 5,000.00           | 0.00          | 5,000.00           |
| <b>Totals</b>                      | <b>\$14,417.50</b> | <b>\$0.00</b> | <b>\$14,417.50</b> |

# Palomar Financial, LC

**NEVADA HEALTH CO-OP  
PRIVILEGED AND CONFIDENTIAL  
SUMMARY REPORT  
PERIOD DECEMBER 2020**

|          |                                    | <b>Billable<br/>Hours</b> | <b>Billable<br/>Rate</b> | <b>December 2020<br/>Billing</b> |
|----------|------------------------------------|---------------------------|--------------------------|----------------------------------|
| <b>1</b> | <b>TIMEKEEPER - Nicole Wilkins</b> | 6.80                      | \$250.00                 | \$1,700.00                       |
| <b>2</b> | <b>TIMEKEEPER - Robert Stebel</b>  | 0.00                      | \$160.00                 | \$0.00                           |
| <b>3</b> | <b>TIMEKEEPER - Kelly Reed</b>     | 10.50                     | \$150.00                 | \$1,575.00                       |
| <b>4</b> | <b>TIMEKEEPER - Neda Khalaf</b>    | 18.00                     | \$160.00                 | \$2,880.00                       |
| <b>5</b> | <b>TIMEKEEPER - Brent Andrews</b>  | 0.00                      | \$150.00                 | \$0.00                           |
| <b>6</b> | <b>TIMEKEEPER - Mary Noel</b>      | 21.75                     | \$150.00                 | \$3,262.50                       |
|          | <b>GRAND TOTAL</b>                 | <b>57.05</b>              |                          | <b>\$9,417.50</b>                |

Palomar Financial, LC  
12/01/2020-12/31/2020  
Client: Nevada Health Co-Op ("NHC")

| Staff ID    | Name           | Description                                  | Hours | Amount      |
|-------------|----------------|--|-------|-------------|
| NMW         | Nicole Wilkins | Accounting Reports/Receivership Team Support | 2.55  | \$ 637.50   |
|             |                | General Ledger Accounting                    | 0.20  | \$ 50.00    |
|             |                | Payroll & Employee Benefits                  | 0.60  | \$ 150.00   |
|             |                | Accounts Payable and Receivable              | 1.85  | \$ 462.50   |
|             |                | Bank Account Administration/Reconciliation   | 1.60  | \$ 400.00   |
|             |                | Sub Total (NMW)                              | 6.80  | \$ 1,700.00 |
| RNS         | Robert Stebel  | Taxes & Tax Planning                         | 0.00  | \$ -        |
|             |                | Sub Total (RNS)                              | 0.00  | \$ -        |
| KJR         | Kelly Reed     | Accounting Reports/Receivership Team Support | 4.75  | \$ 712.50   |
|             |                | Bank Account Adminstration/Reconciliations   | 5.75  | \$ 862.50   |
|             |                | Sub Total (KJR)                              | 10.50 | \$ 1,575.00 |
| NK          | Neda Khalaf    | Accounting Reports/Receivership Team Support | 18.00 | \$ 2,880.00 |
|             |                | Sub Total (NK)                               | 18.00 | \$ 2,880.00 |
| BA          | Brent Andrews  | IT Support & Administration                  | 0.00  | \$ -        |
|             |                | Sub Total (BA)                               | 0.00  | \$ -        |
| MFN         | Mary Noel      | Investment Accounting/Support                | 0.25  | \$ 37.50    |
|             |                | Accounts Payable and Receivable              | 21.00 | \$ 3,150.00 |
|             |                | Bank Account Administration/Reconciliation   | 0.50  | \$ 75.00    |
|             |                | Sub Total (MFN)                              | 21.75 | \$ 3,262.50 |
| Grand Total |                |  | 57.05 | \$ 9,417.50 |



Invoice No.: 5581490  
File No. : 170678.010100  
Bill Date : January 26, 2021

Nevada Health Co-Op  
Cantilo & Bennett, L.L.P.  
c/o Mark F. Bennett, Esq.  
11401 Century Oaks Terrace, Suite 300  
Austin, TX 78758

## **INVOICE**

Re: Asset Recovery matter in State Court

### **Legal Services through December 31, 2020:**

Total Fees: \$ 37,855.00

### **Expenses:**

Court Fees 641.04  
Filing Fees 10.50

Total Expenses: \$ 651.54

**Total Current Invoice: \$ 38,506.54**

MEF:TKK  
Tax ID: 13-3613083



Invoice No.: 5581491  
File No. : 170678.010300  
Bill Date : January 26, 2021

Nevada Health Co-Op  
Cantilo & Bennett, L.L.P.  
c/o Mark F. Bennett, Esq.  
11401 Century Oaks Terrace, Suite 300  
Austin, TX 78758

## **INVOICE**

Re: Federal Court of Claims

Legal Services through December 31, 2020:

Total Fees: \$ 428.50

**Total Current Invoice: \$ 428.50**

MEF:TKK  
Tax ID: 13-3613083



Invoice No.: 5581493  
File No. : 170678.010700  
Bill Date : January 26, 2021

Nevada Health Co-Op  
Cantilo & Bennett, L.L.P.  
c/o Mark F. Bennett, Esq.  
11401 Century Oaks Terrace, Suite 300  
Austin, TX 78758

## **INVOICE**

Re: Silver State Health Insurance Exchange

Legal Services through December 31, 2020:

Total Fees: \$ 3,690.00

**Total Current Invoice: \$ 3,690.00**

MEF:TKK  
Tax ID: 13-3613083



Invoice No.: 5581492  
File No. : 170678.010500  
Bill Date : January 26, 2021

Nevada Health Co-Op  
Cantilo & Bennett, L.L.P.  
c/o Mark F. Bennett, Esq.  
11401 Century Oaks Terrace, Suite 300  
Austin, TX 78758

## **INVOICE**

Re: Special Legal Receivership Matters

Legal Services through December 31, 2020:

Total Fees: \$ 20,002.50

**Total Current Invoice: \$ 20,002.50**

MEF:TKK  
Tax ID: 13-3613083



Invoice No.: 5601041  
File No. : 170678.010100  
Bill Date : February 18, 2021

Nevada Health Co-Op  
Cantilo & Bennett, L.L.P.  
c/o Mark F. Bennett, Esq.  
11401 Century Oaks Terrace, Suite 300  
Austin, TX 78758

## **INVOICE**

Re: Asset Recovery matter in State Court

**Legal Services through January 31, 2021:**

Total Fees: \$ 83,588.00

**Expenses:**

Filing Fees

14.00

Total Expenses: \$ 14.00

**Total Current Invoice: \$ 83,602.00**

MEF:TKK

Tax ID: 13-3613083



Invoice No.: 5601043  
File No. : 170678.010300  
Bill Date : February 18, 2021

Nevada Health Co-Op  
Cantilo & Bennett, L.L.P.  
c/o Mark F. Bennett, Esq.  
11401 Century Oaks Terrace, Suite 300  
Austin, TX 78758

## **INVOICE**

Re: Federal Court of Claims

Legal Services through January 31, 2021:

Total Fees: \$ 460.00

**Total Current Invoice: \$ 460.00**

MEF:TKK  
Tax ID: 13-3613083



Invoice No.: 5601045  
File No. : 170678.010700  
Bill Date : February 18, 2021

Nevada Health Co-Op  
Cantilo & Bennett, L.L.P.  
c/o Mark F. Bennett, Esq.  
11401 Century Oaks Terrace, Suite 300  
Austin, TX 78758

## **INVOICE**

Re: Silver State Health Insurance Exchange

### **Legal Services through January 31, 2021:**

Total Fees: \$ 4,626.50

### **Expenses:**

Filing Fees

3.50

Total Expenses: \$ 3.50

**Total Current Invoice: \$ 4,630.00**

MEF:TKK

Tax ID: 13-3613083



Invoice No.: 5601044  
File No. : 170678.010500  
Bill Date : February 18, 2021

Nevada Health Co-Op  
Cantilo & Bennett, L.L.P.  
c/o Mark F. Bennett, Esq.  
11401 Century Oaks Terrace, Suite 300  
Austin, TX 78758

## **INVOICE**

Re: Special Legal Receivership Matters

Legal Services through January 31, 2021:

Total Fees: \$ 8,232.50

**Total Current Invoice: \$ 8,232.50**

MEF:TKK  
Tax ID: 13-3613083



***Invoice Remittance***

Mark Bennett  
Cantilo & Bennett, LLP  
11401 Century Oaks Terrace, Suite 300  
Austin, TX 78758  
mfbennett@cb-firm.com

December 16, 2020  
FTI Invoice No. 7567961  
FTI Job No. 425623.0005  
Terms NET 30  
Federal I.D. No. 52-1261113  
Currency: USD

Re: Nevada Health CO-OP in Receivership

Current Invoice Period: Charges Posted through November 30, 2020

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**Amount Due This Period**

|                                    |                    |
|------------------------------------|--------------------|
| Professional Services.....         | \$28,485.00        |
| Expenses.....                      | <u>\$0.00</u>      |
| <b>Amount Due this Period.....</b> | <b>\$28,485.00</b> |



***Invoice Remittance***

Mark Bennett  
Cantilo & Bennett, LLP  
11401 Century Oaks Terrace, Suite 300  
Austin, TX 78758  
mfbennett@cb-firm.com

January 29, 2021  
FTI Invoice No. 7571899  
FTI Job No. 425623.0005  
Terms NET 30  
Federal I.D. No. 52-1261113  
Currency: USD

Re: Nevada Health CO-OP in Receivership

Current Invoice Period: Charges Posted through December 31, 2020

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**Amount Due This Period**

|                               |                           |
|-------------------------------|---------------------------|
| Professional Services.....    | \$43,515.00               |
| Expenses .....                | <u>\$0.00</u>             |
| <b>Total Amount Due .....</b> | <b><u>\$43,515.00</u></b> |



***Invoice Remittance***

Mark Bennett  
Cantilo & Bennett, LLP  
11401 Century Oaks Terrace, Suite 300  
Austin, TX 78758  
mfbennett@cb-firm.com

March 19, 2021  
FTI Invoice No. 7577018  
FTI Job No. 425623.0005  
Terms NET 30  
Federal I.D. No. 52-1261113  
Currency: USD

Re: Nevada Health CO-OP in Receivership

Current Invoice Period: Charges Posted through February 28, 2021

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**Amount Due This Period**

|                               |                               |
|-------------------------------|-------------------------------|
| Professional Services.....    | \$810.00                      |
| Expenses .....                | <u>\$0.00</u>                 |
| <b>Total Amount Due .....</b> | <b><u><u>\$810.00</u></u></b> |



DEVITO CONSULTING, INC.  
JOSEPH J. DEVITO CONSULTING

January 4, 2021

Mr. Mark F. Bennett  
Cantilo & Bennett, LLP  
11401 Century Oaks Terrace  
Suite 300  
Austin, TX 78758

**Re: Work Related to Nevada Health CO-OP ("NHC")**

Dear Mr. Bennett:

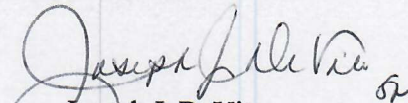
The following is a summary of consulting fees incurred from December 1, 2020 through December 31, 2020 in connection with the above-referenced matter.

**Total Due - Consulting Fees**

**\$3,850.00**

Details of time are provided in the enclosed schedules. Your prompt payment is appreciated.

Very truly yours,

  
Joseph J. DeVito  
President

Enclosures





Gerson Lehrman Group, Inc.  
60 E42nd St  
3rd Floor  
New York, NY 10165  
(212) 984-8500

**Bill To:**

Greenberg Traurig, LLP  
Attn: Donald Prunty  
10845 Griffith Peak Drive  
Las Vegas,, NV 89135  
United States

|                |             |
|----------------|-------------|
| <b>Invoice</b> | US-RET19801 |
| <b>Date</b>    | 09/19/2019  |

| Description   | Amount      |
|---|-------------|
| Suzanne Schlemitzauer: 107.40 hours at \$300 / hour = \$32,220.00 | \$32,220.00 |
| Expenses:<br>Transportation-Taxi/Other \$4.76                     | \$4.76      |

Please remember your use of Gerson Lehrman Group services is subject to our Usage Policies available at [www.glggroup.com/usage\\_policies.html](http://www.glggroup.com/usage_policies.html)

**ACH/Wiring Instructions**

Silicon Valley Bank  
3003 Tasman Drive  
Santa Clara, CA 95054  
ABA: 121140399 / Swift Code: SVBKUS6S  
Acct Name: Gerson Lehrman Group, Inc.  
Acct No: 3300426119

**Remittance Address:**

Box 200589  
Pittsburgh, PA 15251-0589

|                  |             |
|------------------|-------------|
| <b>Subtotal:</b> | \$32,224.76 |
| <b>Misc:</b>     | \$0.00      |
| <b>Tax:</b>      | \$0.00      |
| <b>Total:</b>    | \$32,224.76 |

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## EXHIBIT 2

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## NEVADA HEALTH CO-OP

### Cash Flow Analysis

Oct. 2015 - Feb. 2021

#### Sources & Uses

Beginning Cash as of October 1, 2015

\$ 5,352,417

#### SOURCES:

|   |                   |
|---|-------------------|
| Premium Revenue                           | 17,756,567        |
| CSR Recoveries                            | 2,347,121         |
| Rx Rebates                                | -                 |
| Claims Overpayment Recoveries             | 720,133           |
| PartnerRe 2014 Premium Refund             | 374,513           |
| Traditional Reins Recoveries              | 787,352           |
| FTR Reins Recoveries                      | 735,747           |
| Risk Corridor 2014                        | 1,163,872         |
| Federal Receivables Bridge Loan           | -                 |
| Restricted Cash became Unrestricted       | 768,517           |
| Sale of Risk Corridor Receivable Interest | 10,000,000        |
| Other                                     | 845,954           |
| <b>TOTAL SOURCES:</b>                     | <b>35,499,777</b> |

#### USES:

|  |              |
|--|--------------|
| Medical Claims Q4 2015 and Post 2015 Adj | (176,660)    |
| Rx Claims Q4 2015                        | (7,599,195)  |
| Risk Adjustment 2015                     | -            |
| Medical PMPMs Q4                         | (43,967)     |
| FTR Reinsurance Premium                  | (898,687)    |
| Traditional Reins Premium Q4 2015        | (547,319)    |
| Premium Tax                              | (294,665)    |
| Other Admin                              | (12,789,597) |
| 9010 ACA Fee / 720 PCORI Fee             | (161,242)    |
| Provider Claims Payments                 | (903,631)    |
| Professional Services                    | (12,980,171) |

**TOTAL USES:** (36,395,135)

Net cash increase for period

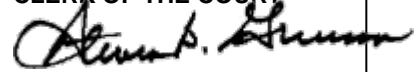
(895,358)

Ending Cash as of February 28, 2021

\$ 4,457,059

**TAB 58**

**TAB 58**



**NEOJ**

MARK E. FERRARIO (SBN 4949)  
ERIC W. SWANIS (SBN 6882)  
DONALD L. PRUNTY (SBN 10,365)  
GREENBERG TRAURIG LLP  
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(702) 382-0711  
[FerrarioM@GTLaw.com](mailto:FerrarioM@GTLaw.com)

DANIEL F. POLSENBERG (SBN 2376)  
JOEL D. HENRIOD (SBN 8492)  
ABRAHAM G. SMITH (SBN 13,250)  
LEWIS ROCA ROTHGERBER CHRISTIE LLP  
3993 Howard Hughes Parkway, Suite 600  
Las Vegas, Nevada 89169-5996  
(702) 949-8200  
[DPolsenberg@LRRC.com](mailto:DPolsenberg@LRRC.com)

*Attorneys for Plaintiff*

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,

Plaintiffs,

v.

MILLIMAN, INC., *et al.*,

Defendants.

Case No. A-17-760558-C  
Dept. No. 16

STATE OF NEVADA, ex rel. Commissioner  
of Insurance, BARBARA D. RICHARDSON,  
in her Official Capacity as Receiver for  
NEVADA HEALTH CO-OP,

Plaintiffs,

v.

SILVER STATE HEALTH INSURANCE  
EXCHANGE,

Defendants.

Case No. A-20-816161-C  
Dep't No. 8

**NOTICE OF ENTRY OF ORDER DENYING MOTIONS (I) FOR LEAVE TO FILE  
THIRD-PARTY COMPLAINT AND (II) TO CONSOLIDATE**

Please take notice that an Order Denying Motions (I) for Leave to File  
Third-Party Complaint and (II) to Consolidate was entered on May 26, 2021,

1 2020. A true and correct copy is attached hereto and made part hereof.

2 Dated this 11<sup>th</sup> day of June, 2021.

3

4

LEWIS ROCA ROTHGERBER CHRISTIE LLP

5

By: /s/ Abraham G. Smith

6

DANIEL F. POLSENBERG (SBN 2376)

7

JOEL D. HENRIOD (SBN 8492)

8

ABRAHAM G. SMITH (SBN 13,250)

9

3993 Howard Hughes Parkway,  
Suite 600

10

Las Vegas, Nevada 89169

11

MARK E. FERRARIO (SBN 4949)

12

ERIC W. SWANIS (SBN 6882)

13

DONALD L. PRUNTY (SBN 10,365)

14

GREENBERG TRAURIG LLP

15

10845 Griffith Peak Drive, Suite 600

16

Las Vegas, Nevada 89135

17

(702) 382-0711

18

*Attorneys for Plaintiff*

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**ODM**

MARK E. FERRARIO (SBN 4949)  
ERIC W. SWANIS (SBN 6882)  
DONALD L. PRUNTY (SBN 10,365)  
GREENBERG TRAURIG LLP  
10845 Griffith Peak Drive, Suite 600  
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[FerrarioM@GTLaw.com](mailto:FerrarioM@GTLaw.com)

DANIEL F. POLSENBERG (SBN 2376)  
JOEL D. HENRIOD (SBN 8492)  
ABRAHAM G. SMITH (SBN 13,250)  
LEWIS ROCA ROTHGERBER CHRISTIE LLP  
3993 Howard Hughes Parkway, Suite 600  
Las Vegas, Nevada 89169-5996  
(702) 949-8200  
[DPolsenberg@LRRC.com](mailto:DPolsenberg@LRRC.com)

*Attorneys for Plaintiff*

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,

Plaintiffs,

v.

MILLIMAN, INC., *et al.*,

Defendants.

Case No. A-17-760558-C  
Dept. No. 16

STATE OF NEVADA, ex rel. Commissioner  
of Insurance, BARBARA D. RICHARDSON,  
in her Official Capacity as Receiver for  
NEVADA HEALTH CO-OP,

Plaintiffs,

v.

SILVER STATE HEALTH INSURANCE  
EXCHANGE,

Defendants.

Case No. A-20-816161-C  
Dep't No. 8

Hearing Date: April 14, 2021  
Hearing Time: 9:00 a.m.

**ORDER DENYING MOTIONS (I) FOR LEAVE TO FILE THIRD-PARTY  
COMPLAINT AND (II) TO CONSOLIDATE**

On April 14, 2021, this Court considered



- Defendants Unite Here Health and Nevada Health Solutions, LLC's Motion for Leave to File Third-Party Complaint
- Defendants Pamela Egan, Basil Dibsie, Linda Mattoon, Bobbette Bond, Tom Zumtobel, and Kathleen Silver's Joinder to "Unite Here Health and Nevada Health Solutions, LLC's Motion for Leave to File Third-Party Complaint"
- Defendants InsureMonkey, Inc. and Alex Rivlin's Joinder to "Unite Here Health and Nevada Health Solutions, LLC's Motion for Leave to File Third-Party Complaint"; and
- Defendants Unite Here Health and Nevada Health Solutions, LLC's Motion to Consolidate Case No. A-20-816161-C.

After review and consideration of the points and authorities on file herein, oral argument of counsel, and the entire record, the Court determines as follows:

1. The Court is well aware of its broad but not unlimited discretion in addressing a motion to implead under NRCP 14. The impleader rule does not set forth a time when a motion for leave must be brought; however, pursuant to the Court's scheduling order, defendants Unite Here Health and Nevada Health Solutions, LLC's Motion is timely and not the result of dilatory conduct.

2. Notwithstanding, an undue delay is only one factor upon which this Court should consider.

3. Thus, this Court's decision considers the timing of the filed motion for leave to file third-party complaint and motion to implead after three-and-a-half years of litigation and the potential prejudice to the parties.

4. Consequently, the Court is concerned about whether the impleader of a third party based on contribution claims would unduly complicate the pending action by injecting tangential issues such as potential conflicts resulting

1 in the disqualification of plaintiff's counsel and impacting plaintiff's choice of  
2 counsel in the pending matter, potentially prejudicing the plaintiff.

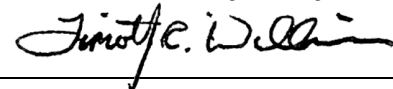
3 5. In contrast, under Nevada law, defendants' contribution claims  
4 against third parties could be pursued in an independent action pursuant to NRS  
5 17.285 after trial, if necessary.

6 6. Balancing the potential prejudice to the parties and whether  
7 impleader would unduly complicate an already complex case, and the fact that  
8 defendant may still pursue an independent contribution claim if they are  
9 unsuccessful in defense of this action, defendants' motion for leave to file a third-  
10 party complaint for contribution shall be DENIED.

11 7. Similarly, the joinders by defendants Pamela Egan, Basil Dibsie,  
12 Lina Mattoon, Bobbette Bond, Tom Zumtobel, and Kathleen Silver and by  
13 defendants InsureMonkey Inc. and Alex Rivlin shall also be DENIED.

14 8. Further, and for similar reasons, in addition to potential trial  
15 protocol issues, defendants' motion to consolidate shall be DENIED.

Dated this 26th day of May, 2021



ZJ

E89 7BB FA7E 600F  
Timothy C. Williams  
District Court Judge

1 Respectfully submitted by:

2 LEWIS ROCA ROTHGERBER  
3 CHRISTIE LLP

4 By: /s/ Abraham G. Smith

5 DANIEL F. POLSENBERG (SBN 2376)  
6 JOEL D. HENRIOD (SBN 8492)  
7 ABRAHAM G. SMITH (SBN 13,250)  
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8 MARK E. FERRARIO (SBN 4949)  
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12 Las Vegas, Nevada 89135  
(702) 382-0711

13 *Attorneys for Plaintiff*

Approved as to form and content by:

BAILEY KENNEDY

By: /s/ John R. Bailey

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SARAH E. HARMON (SBN 8106)  
JOSEPH A. LIEBMAN (SBN 10,125)  
REBEECA L. CROOKER (SBN 15,202)  
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Las Vegas, Nevada 89148  
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EMMA C. MATA (*pro hac vice*)  
SEYFARTH SHAW LLP  
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Houston, Texas 77002  
(713) 225-2300

*Attorneys for Defendants Unite Here  
Health and Nevada Health Solutions,  
LLC*

16 Approved as to form and content by:

17 LIPSON NEILSON, P.C.

18 By: /s/ Angela Ochoa

19 JOSEPH P. GARIN (SBN 6653)  
ANGELA TAZUKO NAKAMURA  
20 OCHOA (SBN 10,164)  
9900 Covington Cross Dr.  
Suite 120  
21 Las Vegas, Nevada 89144  
(702) 382-1500

22 *Attorneys for Defendants Kath-*  
23 *leen Silver, Bobbette Bond, Tom*  
24 *Zumtobel, Pamela Egan, Basil*  
25 *Dibsie, and Linda Mattoon*

Approved as to form and content by:

ALVERSON TAYLOR & SANDERS

By: /s/ Matthew M. Pruitt

KURT R. BONDS (SBN 6228)  
MATTHEW M. PRUITT (SBN 12,474)  
STACI E. SELLERS (SBN 13,580)  
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21 Las Vegas, Nevada 89149  
(702) 384-7000

SUZANNA C. BONHAM (*pro hac vice*)  
EMMA C. MATA (*pro hac vice*)  
SEYFARTH SHAW LLP  
700 Milam, Suite 1400  
Houston, Texas 77002  
(713) 225-2300

*Attorneys for Defendants*  
*InsureMonkey, Inc. and*  
*Alex Rivlin*

1 Approved as to form and content by:

2 MEYERS MCCONNELL REISZ  
3 SIDERMAN

4 By: /s/Lori E. Siderman

5 LORI E. SIDERMAN (SBN 7515)  
6 RUSSELL B. BROWN (SBN 11,355)  
7 1745 Village Center Circle  
8 Las Vegas, Nevada 89134

9 *Attorneys for Defendants Mar-*  
10 *tha Hayes, Dennis T. Larson,*  
11 *and Larson & Co. P.C.*

## Kapolnai, Emily

---

**From:** Matt Pruitt <MPruitt@AlversonTaylor.com>  
**Sent:** Wednesday, May 19, 2021 6:07 PM  
**To:** 'John Bailey'; Smith, Abraham; Ferrario, Mark (NON-SIDLEY @GTLAW.COM) (ferrariom@gtlaw.com); Prunty, Donald L. (Shld-LV-LT); Joe Garin (JGarin@lipsonneilson.com); aochoa@lipsonneilson.com; Kurt Bonds; siderman@mmrs-law.com; brown@mmrs-law.com; Sarah Harmon; Joseph Liebman; Rebecca Crooker  
**Cc:** Polsenberg, Daniel F.; Helm, Jessica; Kapolnai, Emily; Kelley, Cynthia  
**Subject:** RE: Nevada Health Co-op v. Milliman order

[EXTERNAL]

---

You're authorized to use my signature.

**Matt Pruitt, Esq.**  
Alverson Taylor & Sanders  
702.384.7000 | [alversontaylor.com](mailto:alversontaylor.com)

---

**From:** John Bailey <JBailey@baileykenedy.com>  
**Sent:** Wednesday, May 19, 2021 12:44 PM  
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**Subject:** RE: Nevada Health Co-op v. Milliman order

Abe: You are authorized to affix my signature on behalf of Unite Here Health and Nevada Health Solutions to Plaintiff's proposed Order. Thanks. JRB

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**Subject:** Nevada Health Co-op v. Milliman order

Friends,

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Very best,

**Abraham G. Smith**  
Partner

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## Kapolnai, Emily

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**Cc:** Polsenberg, Daniel F.; Helm, Jessica; Kapolnai, Emily; Kelley, Cynthia  
**Subject:** RE: Nevada Health Co-op v. Milliman order

[EXTERNAL]

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Lori E. Siderman

**Meyers | McConnell**  
**Reisz | Siderman**

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**Subject:** RE: Nevada Health Co-op v. Milliman order

Same. Pls affix my electronic signature on behalf of Management Defendants. -Angela

---

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Very best,

Abraham G. Smith



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2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Nevada Commissioner of  
Insurance, Plaintiff(s)

CASE NO: A-17-760558-B

7 vs.

DEPT. NO. Department 16

8  
9 Milliman Inc, Defendant(s)

10  
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