

1 JOHN R. BAILEY
Nevada Bar No. 0137
2 DENNIS L. KENNEDY
Nevada Bar No. 1462
3 SARAH E. HARMON
Nevada Bar No. 8106
JOSEPH A. LIEBMAN
4 Nevada Bar No. 10125
BAILEY ♦ KENNEDY
5 8984 Spanish Ridge Avenue
Las Vegas, Nevada 89148-1302
6 Telephone: 702.562.8820
Facsimile: 702.562.8821
7 JBailey@BaileyKennedy.com
DKennedy@BaileyKennedy.com
8 SHarmon@BaileyKennedy.com
JLiebman@BaileyKennedy.com

9 *Attorneys for Petitioners Unite Here*
Health and Nevada Health Solutions, LLC

11 IN THE SUPREME COURT OF THE STATE OF NEVADA

12 UNITE HERE HEALTH; AND
13 NEVADA HEALTH SOLUTIONS,
LLC,

14 Petitioners,

15 vs.

16 EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF
17 NEVADA, IN AND FOR THE
COUNTY OF CLARK, THE
HONORABLE TIMOTHY C.
WILLIAMS, DISTRICT COURT
18 JUDGE,

Electronically Filed
Jul 01 2021 08:20 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Supreme Court No.
District Court No. A-17-760558-B

**PETITIONERS' MOTION TO
CONSOLIDATE**

Respondent,

and

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

Real Party in Interest.

PETITIONERS' MOTION TO CONSOLIDATE

Pursuant to NRAP 3(b), Petitioners Unite Here Health and Nevada Health Solutions, LLC (jointly, "UHH") move to consolidate their Petition for Extraordinary Writ Relief with a previously consolidated appeal/writ petition currently pending before this Court, entitled *Unite Here Health v. State of Nevada ex rel. Nevada Health Co-Op*, No. 82467/82552, which challenges an

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Order Denying Motion to Disqualify Greenberg Traurig, LLP and to Disgorge Attorneys' Fees (the "Conflicts Appeal").¹

DATED this 30th day of June, 2021.

BAILEY ♦ KENNEDY

By: /s/ Dennis L. Kennedy
JOHN R. BAILEY
DENNIS L. KENNEDY
SARAH E. HARMON
JOSEPH A. LIEBMAN
*Attorneys for Petitioners Unite Here
Health and Nevada Health Solutions, LLC*

MEMORANDUM OF POINTS AND AUTHORITIES

There are currently several related lawsuits pending in the Eighth Judicial District Court stemming from the Statutory Receivership and liquidation of the Nevada Health CO-OP (the "CO-OP"), a non-profit insurer that was formed to offer insurance policies to Nevada residents under the terms of the federal Patient Protection and Affordable Care Act. One of those lawsuits has been characterized by the Receiver (the Commissioner of the Nevada Department of Insurance) as an "asset recovery action" (A-17-760558-B), in which the

¹ The Conflicts Appeal arises from Case No. A-15-725244-C (the "Receivership Action").

1 Receiver (on behalf of the CO-OP) asserted numerous tort and contract claims
2 against different vendors (including UHH) and management of the CO-OP,
3 claiming that they were to blame for the CO-OP's eventual insolvency and
4 liquidation (the "Asset Recovery Action").

5 Counsel for the Receiver, Greenberg Traurig, LLP ("Greenberg"), was
6 appointed by the Court in the Receivership Action, and is also lead counsel for
7 the Receiver in the Asset Recovery Action. In the Conflicts Appeal, UHH
8 contends that Greenberg must be disqualified as counsel for the Receiver
9 because, while it was representing the Receiver in both the Receivership Action
10 and the Asset Recovery Action, it was also concurrently representing Valley
11 Health System ("Valley"), one of the most significant creditors of the
12 receivership estate, and Xerox State Healthcare, LLC ("Xerox"), a potential
13 target defendant for recovery of assets for the receivership estate and its
14 creditors.

15 UHH's Petition for Extraordinary Writ Relief in this proceeding (the
16 "Impleader Writ Petition") is directly related to the Conflicts Appeal. The
17 Impleader Writ Petition challenges the District Court's Order Denying UHH's
18 Motion for Leave to File Third-Party Complaint ("Motion for Leave") and

1 requests that the District Court be instructed to grant the Motion for Leave,
2 thereby permitting UHH to implead Xerox and Silver State Health Insurance
3 Exchange (“Silver State”) as third-party defendants.² The District Court has
4 confirmed that the only reason it denied UHH’s timely Motion for Leave to
5 implead Xerox and Silver State as third-party defendants was due to
6 Greenberg’s self-inflicted conflicts of interest — the precise subject of the
7 Conflicts Appeal.³ In fact, UHH’s Impleader Writ Petition provides another
8 concrete example of how Greenberg’s ongoing conflicts of interest relating to
9 Xerox are directly impacting litigation initiated by Greenberg and prejudicing
10 parties such as UHH who have been sued by Greenberg. The District Court is
11 forcing UHH to bear the brunt of Greenberg’s conflicts by denying UHH their
12 rights to implead third-party defendants such as Xerox and Silver State under
13 NRCP 14.

14 ///

15 ² The Impleader Writ Petition also addresses the District Court’s denial of
16 UHH’s Motion to Consolidate Case No. A-20-816161-C (the “Motion to
17 Consolidate”), which is one of the other related “asset recovery” lawsuits
18 stemming from the Receivership Action.

³ Order Denying Motions (I) for Leave to File Third-Party Complaint and
(II) to Consolidate, attached as Exhibit A.

1 Although the Nevada Rules of Appellate Procedure do not explicitly
2 contemplate the consolidation of an appeal with a petition for extraordinary
3 writ relief, NRAP 3(b)(2) does contemplate the consolidation of related
4 matters. As set forth above, the issues raised in the Impleader Writ Petition
5 largely overlap with the issues raised in the Conflicts Appeal, given that the
6 District Court denied the Motion for Leave (and the Motion to Consolidate)
7 based solely on Greenberg's conflict of interest with Xerox. Although the
8 Conflicts Appeal and the Impleader Writ Petition technically arise from
9 separate cases, the Receivership Action and the Asset Recovery Action are
10 related matters. In fact, the District Court in the Receivership Action is
11 charged with supervision of the Asset Recovery Action.⁴ Furthermore, the
12 relevant parties and counsel in the Conflicts Appeal and the Impleader Writ
13 Petition are essentially the same. Therefore, in the interests of judicial
14 efficiency, economy, and consistency, UHH respectfully requests that the
15 Conflicts Appeal and the Impleader Writ Petition be consolidated into one
16

17 ⁴ Twenty-Third Status Report, 6:15-10:20, attached as Exhibit B, in which
18 the Receiver, through Greenberg, reports to the Receivership Court on the
Status of the Asset Recovery Action.

1 action to ensure that all of these overlapping issues are decided in one
2 proceeding.

3 DATED this 30th day of June, 2021.

4 BAILEY ♦ KENNEDY

5 By: /s/ Dennis L. Kennedy
JOHN R. BAILEY
6 DENNIS L. KENNEDY
SARAH E. HARMON
7 JOSEPH A. LIEBMAN

8 *Attorneys for Petitioners Unite Here*
9 *Health and Nevada Health Solutions, LLC*
10
11
12
13
14
15
16
17
18

CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY❖KENNEDY and that on the 30th day of June, 2021, service of the foregoing **PETITIONERS' MOTION TO CONSOLIDATE** was made by electronic service through Nevada Supreme Court's electronic filing system and/or by depositing a true and correct copy in the U.S. Mail, first class postage prepaid, and addressed to the following at their last known address:

MARK E. FERRARIO
DONALD L. PRUNTY
TAMI D. COWDEN

Email: ferrariom@gtlaw.com
pruntyd@gtlaw.com
cowdent@gtlaw.com

GREENBERG TRAURIG, LLP
10845 Griffith Peak Drive
Suite 600
Las Vegas, Nevada 89135

*Attorneys for Real Parties in Interest
State of Nevada, Ex Rel. Commissioner
of Insurance, Barbara D. Richardson,
in Her Official Capacity as Receiver
for Nevada Health Co-Op; and
Greenberg Traurig, LLP*

DANIEL F. POLSENBERG
JOEL D. HENRIOD
ABRAHAM G. SMITH

Email: DPolsenberg@LewisRoca.com
JHenriod@LewisRoca.com
ASmith@LewisRoca.com

**LEWIS ROCA ROTHGERBER
CHRISTIE LLP**

3993 Howard Hughes Parkway
Suite 600
Las Vegas, Nevada 89169-5996

*Attorneys for Real Parties in Interest
STATE OF NEVADA EX REL.
COMMISSIONER OF
INSURANCE, BARBARA D.
RICHARDSON, IN HER OFFICIAL
CAPACITY AS RECEIVER FOR
NEVADA HEALTH CO-OP*

VIA E-MAIL:

HONORABLE TIMOTHY C. WILLIAMS
**EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF
NEVADA, IN AND FOR THE
COUNTY OF CLARK**

Department XVI
200 Lewis Avenue
Las Vegas, Nevada 89155

E-mail:

DC16Inbox@ClarkCountyCourts.us
Dept16LC@ClarkCountyCourts.us
Dept16JEA@ClarkCountyCourts.us

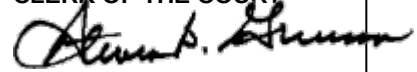
Respondent

/s/ Angelique Mattox

Employee of BAILEY ♦ KENNEDY

EXHIBIT A

EXHIBIT A



NEOJ

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
Las Vegas, Nevada 89135
(702) 382-0711
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

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 11th 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

19

20

21

22

23

24

25

26

27

28

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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
Las Vegas, Nevada 89135
(702) 382-0711
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

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.

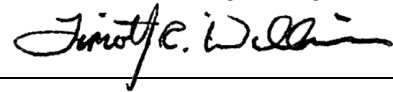
3 5. In contrast, under Nevada law, defendants' contribution claims
4 against third parties could be pursued in an independent action pursuant to NRS
5 17.285 after trial, if necessary.

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

Respectfully submitted by:

LEWIS ROCA ROTHGERBER
CHRISTIE LLP

By: /s/ Abraham G. Smith

DANIEL F. POLSENBERG (SBN 2376)
JOEL D. HENRIOD (SBN 8492)
ABRAHAM G. SMITH (SBN 13,250)
3993 Howard Hughes Parkway,
Suite 600
Las Vegas, Nevada 89169

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
Las Vegas, Nevada 89135
(702) 382-0711

Attorneys for Plaintiff

Approved as to form and content by:

BAILEY KENNEDY

By: /s/ John R. Bailey

JOHN R. BAILEY (SBN 137)
SARAH E. HARMON (SBN 8106)
JOSEPH A. LIEBMAN (SBN 10,125)
REBEECA L. CROOKER (SBN 15,202)
8984 Spanish Ridge Avenue
Las Vegas, Nevada 89148
(702) 562-8820

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 Unite Here
Health and Nevada Health Solutions,
LLC*

Approved as to form and content by:

LIPSON NEILSON, P.C.

By: /s/ Angela Ochoa

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

*Attorneys for Defendants Kath-
leen Silver, Bobbette Bond, Tom
Zumtobel, Pamela Egan, Basil
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)
6605 Grand Montecito Pkwy
Suite 200
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 | alversonstaylor.com

From: John Bailey <JBailey@baileykenedy.com>
Sent: Wednesday, May 19, 2021 12:44 PM
To: Smith, Abraham <ASmith@lewisroca.com>; Ferrario, Mark (NON-SIDLEY @GTLAW.COM) (ferrariom@gtlaw.com) <ferrariom@gtlaw.com>; Prunty, Donald L. (Shld-LV-LT) <pruntyd@gtlaw.com>; Joe Garin (JGarin@lipsonneilson.com) <JGarin@lipsonneilson.com>; aochoa@lipsonneilson.com; Kurt Bonds <KBonds@AlversonTaylor.com>; Matt Pruitt <MPruitt@AlversonTaylor.com>; siderman@mmrs-law.com; brown@mmrs-law.com; Sarah Harmon <SHarmon@baileykenedy.com>; Joseph Liebman <JLiebman@baileykenedy.com>; Rebecca Crooker <RCrooker@baileykenedy.com>
Cc: Polsenberg, Daniel F. <DPolsenberg@lewisroca.com>; Helm, Jessica <JHelm@lewisroca.com>; Kapolnai, Emily <EKapolnai@lewisroca.com>; Kelley, Cynthia <CKelley@lewisroca.com>
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

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

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From: Smith, Abraham <ASmith@lewisroca.com>

Sent: Tuesday, May 18, 2021 4:58 PM

To: Ferrario, Mark (NON-SIDLEY @GTLAW.COM) (<ferrariom@gtlaw.com> <ferrariom@gtlaw.com>); Prunty, Donald L. (Shld-LV-LT) <pruntyd@gtlaw.com>; Joe Garin (<JGarin@lipsonneilson.com> <JGarin@lipsonneilson.com>); aocao@lipsonneilson.com; kbonds@alversontaylor.com; mpriott@alversontaylor.com; siderman@mms-law.com; brown@mms-law.com; John Bailey <JBailey@baileykennedy.com>; Sarah Harmon <SHarmon@baileykennedy.com>; Joseph Liebman <JLiebman@baileykennedy.com>; Rebecca Crooker <RCrooker@baileykennedy.com>

Cc: Polsenberg, Daniel F. <DPolsenberg@lewisroca.com>; Helm, Jessica <JHelm@lewisroca.com>; Kopolnai, Emily <EKopolnai@lewisroca.com>; Kelley, Cynthia <CKelley@lewisroca.com>

Subject: Nevada Health Co-op v. Milliman order

Friends,

Attached is a draft order based on Judge Williams's minute order. Please respond whether we may submit with your e-signature. If I've left anyone off of this list, I am sorry; please forward to the appropriate people.

Very best,

Abraham G. Smith
Partner

asmith@lewisroca.com
D. 702.474.2689

LEWIS  ROCA

3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169
lewisroca.com

LEWIS ROCA ROTHGERBER CHRISTIE LLP

*Learn more about the new Lewis Roca brand at
lewisroca.com. Please note my new email address
asmith@lewisroca.com.*

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Kapolnai, Emily

From: Lori Siderman <siderman@mmrs-law.com>
Sent: Wednesday, May 19, 2021 2:01 PM
To: Angela Ochoa; John Bailey; Smith, Abraham; Ferrario, Mark (NON-SIDLEY @GTLAW.COM); Prunty, Donald L. (Shld-LV-LT); Joe Garin; kbonds@alversontaylor.com; mpruitt@alversontaylor.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 are authorized to affix my signature on behalf of Larson & Co.

Lori E. Siderman



Meyers McConnell Reisz Siderman P.C.
Attorneys at Law
11620 Wilshire Blvd., Suite 800
Los Angeles, CA 90025
Tel: 1-310-312-0772
Fax: 1-310-312-0656
Email: siderman@mmrs-law.com

1745 Village Center Circle
Las Vegas, NV 89134
Tel: 1-702-253-1377
Fax: 1-702-248-6192

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From: Angela Ochoa <AOchoa@lipsonneilson.com>
Sent: Wednesday, May 19, 2021 2:00 PM
To: John Bailey <JBailey@baileykennedy.com>; Smith, Abraham <ASmith@lewisroca.com>; Ferrario, Mark (NON-SIDLEY @GTLAW.COM) (<ferrariom@gtlaw.com>); Prunty, Donald L. (Shld-LV-LT) <pruntyd@gtlaw.com>; Joe Garin <JGarin@lipsonneilson.com>; kbonds@alversontaylor.com; mpruitt@alversontaylor.com; siderman@mmrs-law.com; brown@mmrs-law.com; Sarah Harmon <SHarmon@baileykennedy.com>; Joseph Liebman <JLiebman@baileykennedy.com>; Rebecca Crooker <RCrooker@baileykennedy.com>
Cc: Polsenberg, Daniel F. <DPolsenberg@lewisroca.com>; Helm, Jessica <JHelm@lewisroca.com>; Kapolnai, Emily <EKapolnai@lewisroca.com>; Kelley, Cynthia <CKelley@lewisroca.com>
Subject: RE: Nevada Health Co-op v. Milliman order

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

From: John Bailey <JBailey@baileykennedy.com>

Sent: Wednesday, May 19, 2021 12:44 PM

To: Smith, Abraham <ASmith@lewisroca.com>; Ferrario, Mark (NON-SIDLEY @[GTLAW.COM](mailto:ferrariom@gtlaw.com)) (<ferrariom@gtlaw.com>); Prunty, Donald L. (Shld-LV-LT) <pruntyd@gtlaw.com>; Joe Garin <JGarin@lipsonneilson.com>; Angela Ochoa <AOchoa@lipsonneilson.com>; kbonds@alversontaylor.com; mpriott@alversontaylor.com; siderman@mms-law.com; brown@mms-law.com; Sarah Harmon <SHarmon@baileykennedy.com>; Joseph Liebman <JLiebman@baileykennedy.com>; Rebecca Crooker <RCrooker@baileykennedy.com>

Cc: Polsenberg, Daniel F. <DPolsenberg@lewisroca.com>; Helm, Jessica <JHelm@lewisroca.com>; Kapolnai, Emily <EKapolnai@lewisroca.com>; Kelley, Cynthia <CKelley@lewisroca.com>

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

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

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From: Smith, Abraham <ASmith@lewisroca.com>

Sent: Tuesday, May 18, 2021 4:58 PM

To: Ferrario, Mark (NON-SIDLEY @[GTLAW.COM](mailto:ferrariom@gtlaw.com)) (<ferrariom@gtlaw.com>); Prunty, Donald L. (Shld-LV-LT) <pruntyd@gtlaw.com>; Joe Garin (<JGarin@lipsonneilson.com>); aochoa@lipsonneilson.com; kbonds@alversontaylor.com; mpriott@alversontaylor.com; siderman@mms-law.com; brown@mms-law.com; John Bailey <JBailey@baileykennedy.com>; Sarah Harmon <SHarmon@baileykennedy.com>; Joseph Liebman <JLiebman@baileykennedy.com>; Rebecca Crooker <RCrooker@baileykennedy.com>

Cc: Polsenberg, Daniel F. <DPolsenberg@lewisroca.com>; Helm, Jessica <JHelm@lewisroca.com>; Kapolnai, Emily <EKapolnai@lewisroca.com>; Kelley, Cynthia <CKelley@lewisroca.com>

Subject: Nevada Health Co-op v. Milliman order

Friends,

Attached is a draft order based on Judge Williams's minute order. Please respond whether we may submit with your e-signature. If I've left anyone off of this list, I am sorry; please forward to the appropriate people.

Very best,

Abraham G. Smith

Partner

asmith@lewisroca.com
D. 702.474.2689



3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169
lewisroca.com

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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

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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
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 5/26/2021

15 Brian Blankenship	brian@nvfirm.com
16 Patrick Byrne	pbyrne@swlaw.com
17 Jeanne Forrest	jforrest@swlaw.com
18 Susana Nutt	snutt@lipsonneilson.com
19 Joseph Liebman	jliebman@baileykennedy.com
20 John Bailey	jbailey@baileykennedy.com
21 Angela Nakamura Ochoa	aochoa@lipsonneilson.com
22 Bailey Kennedy, LLP	bkfederaldownloads@baileykennedy.com
23 Eric Swanis	swanise@gtlaw.com
24 Michele Caro	mcaro@ag.nv.gov
25 Alex Fugazzi	afugazzi@swlaw.com

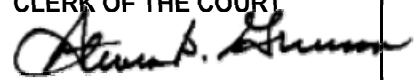
26
27
28

1	Cynthia Ney	neyc@gtlaw.com
2	Mark Ferrario	ferrariom@gtlaw.com
3	Donald Prunty	pruntyd@gtlaw.com
4	Matthew Pruitt	mpruitt@alversontaylor.com
5	LVGT docketing	lvlitdock@gtlaw.com
6	Andrea Rosehill	rosehilla@gtlaw.com
7	Megan Sheffield	sheffieldm@gtlaw.com
8	Docket Docket	docket_las@swlaw.com
9	Jessie Helm	jhelm@lewisroca.com
10	Copy Room	efile@alversontaylor.com
11	Aleem Dhalla	adhalla@swlaw.com
12	Kurt Bonds	kbonds@alversontaylor.com
13	Anthony MacKenzie	mackenzie@nvfirm.com
14	Lori Siderman	siderman@mmrs-law.com
15	Russell Brown	brown@mmrs-law.com
16	Michelle Briggs	mbriggs@ag.nv.gov
17	Daniel Polsenberg	dpolsenberg@lewisroca.com
18	Joel Henriod	jhenriod@lewisroca.com
19	Abraham Smith	asmith@lewisroca.com
20	Suzanna Bonham	SBonham@seyfarth.com
21	Justin Kattan	justin.kattan@dentons.com
22	Emma Mata	EMata@seyfarth.com
23	Christian Spaulding	spauldingc@gtlaw.com
24		
25		
26		
27		
28		

1	Denise Doyle	service@cb-firm.com
2	Monice Campbell	monice@envision.legal
3	Ann Fukushima	fukushima@mmrs-law.com
4	Jason Hicks	hicksja@gtlaw.com
5	Jonathan Wong	jwong@lipsonneilson.com
6	D'Andrea Dunn	ddunn@swlaw.com
7	Kimberly Frederick	frederickk@gtlaw.com
8	Juan Cerezo	jcerezo@lipsonneilson.com
9	Mursal Nyazi	nyazi@mmrs-law.com
10	Evelyn Gaddi	escobargaddie@gtlaw.com
11	Taylor Higgins	thiggins@swlaw.com
12	Rebecca Crooker	rcrooker@baileykennedy.com
13	Darnell Lynch	dlynch@lipsonneilson.com
14	Shermielynn Irasga	irasgas@gtlaw.com
15	Cynthia Kelley	ckelley@lewisroca.com
16	Emily Kapolnai	ekapolnai@lewisroca.com
17		
18		
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20		
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EXHIBIT B

EXHIBIT B



1 **SR**

2 MARK E. FERRARIO, ESQ.

3 Nevada Bar No. 1625

4 ERIC W. SWANIS, ESQ.

5 Nevada Bar No. 6840

6 Donald L. Prunty, Esq.

7 Nevada Bar No. 8230

8 **GREENBERG TRAURIG, LLP**

9 10845 Griffith Peak Drive, Suite 600

10 Las Vegas, Nevada 89135

11 Telephone: (702) 792-3773

12 Facsimile: (702) 792-9002

13 Emails: ferrariom@gtlaw.com

14 swanise@gtlaw.com

15 pruntyd@gtlaw.com

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

18 **IN THE 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 vs.

27 NEVADA HEALTH CO-OP,

28 Defendant.

Case No. A-15-725244-C

Dept. No. 21

TWENTY-THIRD 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 to collectively herein as "Receiver") and file this Twenty-Third Status Report in the above-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, 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.

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

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

8 II. RECEIVERSHIP ADMINISTRATION

9 Receivership Administrative Services and Oversight

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

16 ¹ The *in camera* materials are being submitted in a separate envelope that reflect paid invoices.

17 Certain billings submitted to the Court are appropriate for *in camera* review (as opposed to being
18 made part of a public filing). More particularly, and as discussed in further detail below, certain
19 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.

20 In this regard, courts have held that the bills of legal counsel and experts may be withheld from
21 legal discovery and are not subject to legal disclosure, as this information may provide indications or
22 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,
23 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-
24 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
25 “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).

26 The *in-camera* review should apply not only to documentation concerning attorneys' fees, but it
27 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
28 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

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).²

As previously reported, the SDR must collect certain necessary documentation from the providers in advance of making any claim payments. 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 for the members’ claims, \$5,102.64, is subject to a potential small increase as two NCD appeals have been filed and remain pending.

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)).

² 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 In addition to the two member appeals described above, there are forty-two (42)
2 outstanding appeals sent by NHC members of the NCDs that were mailed for outstanding
3 healthcare claims submitted by providers to NHC's Javelina Claims Processing Database.³
4 The SDR is working on a resolution of the outstanding appeals.

5 There are fifty-one proofs of claim ("POC") assigned to a priority Class "C" (*i.e.*,
6 NRS 696B.420(1)(c)) or lower.⁴ The SDR has now issued NCDs to nearly all of these
7 claimants. It appears unlikely at this time that the estate will have sufficient assets to make
8 distributions to claims assigned priority below Class B.

9 ***CMS Receivables***

10 As explained in prior status reports, and throughout the pendency of the receivership,
11 the Receiver is working to resolve certain outstanding matters relating to the collection of
12 amounts due under the various federal receivables programs, of which the CO-OP was a
13 participant, and which are administered primarily by CMS. The recovery of these assets will
14 allow the SDR to make further claim payments to estate creditors. It is also necessary to
15 resolve the receivership's dispute of the government's asserted right to be paid ahead of all
16 other creditors in the estate (including providers and members). CMS has maintained the
17 position that any monies deemed owed to NHC (and thus the receivership estate) are to be
18 offset against the amounts CMS asserts it is owed under the start-up loan awarded to NHC.
19 To date, CMS has offset approximately \$12.9 million against the start-up loan that, the Receiver
20 maintains, should have instead been paid to NHC. When the full amount of 2014 - 2015 Risk
21
22
23

24 ³ 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
26 applied 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 ⁴ 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.

Corridors payments (*i.e.*, not just the prorated amount⁵) are included in the total, NHC is owed over \$55 million.⁶

In the U.S. Court of Federal Claims, the Receiver's asset recovery litigation against CMS has continued without resolution, as yet, on the questions of debt, rights to offset, and claim and issue preclusion matters. CMS filed a motion to dismiss the Receiver's claims, while the Receiver filed a motion for summary judgment on NHC's claims—and both motions are pending before the U.S. Court of Federal Claims. Oral Arguments were held on the pending motions before the U.S. Court of Federal Claims on May 24, 2021, and the Receiver now awaits a court decision.

Engagement of Additional Legal Counsel

The Receiver has engaged the law firm of Greenberg Traurig LLP ("Greenberg Traurig"), as outside counsel in various litigation matters. As reported in the prior status report, the Receiver has retained 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.

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

⁵ Due to a shortfall in risk corridor collections, CMS asserted it could only pay a prorated percentage of issuers' 2014 Risk Corridors payments and that it would use all collections in subsequent years towards the 2014 payments (*i.e.*, they are unable to make payments for the subsequent years at all). Dep't of Health & Human Services & Centers for MediCare & Medicaid Services ("CMS"), CCIIO Memorandum, Risk Corridors Payment and Charge Amounts for the Benefit Year (November 18, 2016) (available at <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 and Charge Amounts for the 2016 Benefit Year (November 15, 2017) (available at <https://www.cms.gov/CCIIO/Programs-and-Initiatives/Premium-Stabilization-Programs/Downloads/Risk-Corridors-Amounts-2016.pdf>).

⁶ NHC sold a portion, but not all, of its interest in the Risk Corridors receivables, as detailed in the Receiver's Seventeenth Status Report to this Court.

1 and requirements imposed by law, misrepresentation concerning quality and standard of care
2 for services performed, and breaches of contract, duty, and implied covenants of good faith
3 and fair dealing. The complaint names, among others, NHC's former actuaries, accountants,
4 auditors, and providers of certain business operations and utilization review services, as well
5 as those individuals who specifically performed, or who were in the role of supervising the
6 performance of, those services. The complaint also names several NHC former directors and
7 executive management.

8 Via Plaintiff's Motion to Amend Complaint, filed on July 17, 2018, the Receiver sought
9 an order granting leave to amend the August 25, 2017, complaint against certain of NHC's
10 various directors, officers, and third-party contractors, citing the discovery of additional facts in
11 support of assertions made in the first complaint, as well as the need to add a new defendant
12 to the existing proceedings. This Motion to Amend Complaint was filed in Judicial Department
13 Sixteen, in line with the terms of contemporaneous Notice of Department Reassignment
14 assigning the proceedings to Judge Timothy C. Williams. The Motion to Amend Complaint was
15 approved via an order entered on September 18, 2018. Subsequently, the court ordered that
16 the case against Milliman must be arbitrated. On December 19, 2019, the Nevada Supreme
17 Court denied the Receiver's Writ of Mandamus seeking extraordinary relief against the order
18 compelling arbitration, noting the availability of subsequent appellate relief, as well as
19 disagreeing that clear legal error had occurred in the underlying proceedings. On October 16,
20 2020, Plaintiff filed a Motion for Leave to File Second Amended Complaint, which contains
21 additional factual allegations, theories of injury, and other context concerning NHC's resulting
22 insolvency. Hearing on this Motion was scheduled for November 18, 2020, but was vacated
23 later, as explained below, as part of the general stay of proceedings until the resolution of the
24 issues arising from Defendants' Motion to Disqualify. The Motion for Leave to File Second
25 Amended Complaint was heard in the April 14, 2021, proceedings concerning all pending
26 motions, and was subsequently granted by the court through an order entered on May 4, 2021.
27 The Plaintiff will proceed to file her Second Amended Complaint in the due course of the
28 litigation.

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

On February 8, 2021, Defendants Unite Here Health and Nevada Health Solutions filed their Notice of Appeal, seeking review of the Order Denying the Motion to Disqualify Greenberg Traurig, LLP and to Disgorge Attorneys' Fees. A Petition for Extraordinary Writ Relief was filed with the Nevada Supreme Court on February 25, 2021. On March 12, 2021, Greenberg Traurig, as counsel to the Receiver and representing itself in response to the Defendants' motion, and Jenner & Block LLP, counsel to Greenberg Traurig, filed an opposition to the Motion to Consolidate with the writ petition proceedings in Case No. 82552 (the "Writ"), as filed by Appellants/Petitioners Unite Here Health and Nevada Health Solutions, LLC, and Countermotion to Dismiss Appeal. The Motion to Consolidate was granted by the Nevada Supreme Court through an order entered on April 12, 2021. On June 16, 2021, Petitioners filed their opening brief and appendix of documents, with the Respondents having thirty (30) days from the date of service of this opening brief to submit their own opening brief and appendix. These proceedings remain ongoing.

Pursuing the same theories as underlined in their Motion to Disqualify, Unite Here Health and Nevada Health Solutions filed on October 15, 2020, their Motion for Leave to File Third-Party Complaint, seeking permission from the court to file a complaint for contribution

1 alleging that the Silver State Health Insurance Exchange and Xerox State Healthcare, LLC, are
2 responsible for a significant number of NHC's injuries, such that concerns for judicial economy
3 and the consolidation of related proceedings should merit the cross-complaint and addition of
4 these parties to the instant asset recovery litigation. This Motion was joined by Defendant
5 former directors and officers on October 16, 2020, and by InsureMonkey on October 22, 2020.
6 These actions were quickly followed by the filing on October 19, 2020, of a Motion to
7 Consolidate seeking to consolidate A-20-816161-C, the asset recovery suit against the Silver
8 State Health Insurance Exchange, with the instant asset recovery proceedings. As with the
9 Motion seeking the filing of the Third-Party Complaint, the Motion to Consolidate asserted that
10 the alleged similarities between the factual circumstances of the cases merit this outcome.
11 Through the issuance of a minute order dated May 3, 2021, subsequently followed by a formal
12 written order dated May 26, 2021, the court denied both the Motion for Leave to File Third-
13 Party Complaint and the Motion to Consolidate on the grounds, *inter alia*, that the risk of
14 potential prejudice to the parties and the increase in case complexity contemplated by the
15 attempted interpleader were on balance more significant than the issues of judicial economy
16 and the risk of injection of "tangential issues such as potential conflicts" favored by Defendants.

17 On October 21, 2020, Defendant former directors and officers filed their Motion for
18 Partial Summary Judgment on the pleadings pursuant to NRCP (12)(c), primarily on the
19 grounds that many of the causes of action asserted in the First Amended Complaint (*i.e.*,
20 negligent misrepresentation, constructive fraud, negligent performance of an undertaking) are
21 acts that directors and officers of non-profit organizations (such as NHC) cannot be liable for
22 under Nevada law and statutes regulating the governance of non-profit organizations. Plaintiff
23 filed her Opposition to Defendants' Motion on February 12, 2021, setting forth the basis for the
24 liability of the Defendant directors and officers. Defendants' Reply in Support of the Motion
25 was filed on March 12, 2021. The Motion for Partial Summary Judgment was withdrawn, and
26 the relevant hearing date vacated, pursuant to the terms of a Stipulation and Order agreed to
27 between the parties and filed with the court on April 12, 2021.

28 ///

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

13 Under the terms of the most recent (the 5th) Amended Order Setting Civil Jury Trial, Pre-
14 Trial, Calendar Call, and Deadlines for Motions; Amended Discovery Scheduling Order, both
15 Plaintiff and Defendants' designation of rebuttal experts were due on April 16, 2021, with a
16 Discovery Cut Off of December 31, 2021. Dispositive Motions are due by February 18, 2022,
17 and Motions in Limine are due by March 4, 2022. The Trial is scheduled to run on a five-week
18 stack starting May 16, 2022, subsequent to an April 28, 2022, Pre-Trial Conference and
19 Calendar Call. Relevant Pre-Trial Memoranda must be filed by no later than May 12, 2022.
20 Discovery continues in the litigation as before the recent stay of litigation.

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

22 On November 8, 2018, the Receiver filed a Complaint in the United States Court of
23 Federal Claims ("CFC Complaint") against the United States for monetary amounts owed to
24 NHC under the Consumer Operated and Oriented Plan program organized pursuant to the
25 ACA. The Receiver determined that such litigation was necessary in order to advance the
26 interests of the receivership estate's various creditors, and to protect and conserve assets that
27 rightfully belong to the estate.

28 ///

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

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

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

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

10 The United States Supreme Court, through its April 27, 2020, decision, found in favor
11 of the CO-OPs, and held that the Risk Corridors statutes did indeed create a government
12 obligation to pay insurers the full amount set out in Section 1342's formula. Despite the
13 decision of Congress to disallow by specific legislative rider the making of Risk Corridors
14 payments from funding sources which would have otherwise been available under the annual
15 appropriations omnibus, the plain text of the legislative rider at issue in the litigation did not
16 indicate an intention to impliedly, retroactively repeal Risk Corridors obligations, and that
17 therefore the CO-OPs properly relied upon the Tucker Act to bring suits for damages against
18 the United States in the Court of Federal Claims.

19 Subsequent to this decision, the Court of Federal Claims issued its May 4, 2020, Order
20 scheduling a status conference to take place on May 19, 2020, concerning the remaining
21 matters at issue in the litigation. This telephone conference did occur on May 19, 2020, and
22 the issues discussed on that call were later summarized in the Court of Federal Claims' May 21,
23 2020, Order staying proceedings for a further forty-five days and requiring the filing of a joint
24 status report on or before July 6, 2020, addressing the topics discussed during the telephone
25 conference. This deadline was later moved to July 10, 2020, upon approval by the court of
26 Plaintiff's July 6, 2020, Unopposed Motion for Extension of Time for Filing Joint Status Report.
27 The Joint Status Report was filed on July 10, 2020, and proposed August 3, 2020, as the
28 deadline for NHC's Updated Opposition to the United States' Motion to Dismiss and Cross

1 Motion for Summary Judgment, with the United States' reply in support of the Motion being due
2 on September 18, 2020, and NHC's own reply due on November 13, 2020.

3 On August 3, 2020, Plaintiff filed her Unopposed Motion to Set Briefing Schedule, which
4 was approved and ordered the same day. Per this Motion, August 24, 2020, was proposed as
5 the deadline for NHC's Updated Opposition to the Motion to Dismiss and Cross Motion for
6 Summary Judgment, with the government's reply due October 9, 2020, and NHC's reply due
7 October 26, 2020. A subsequent Unopposed Motion for Extension of Time, filed on August 19,
8 2020, and approved on August 20, 2020, established September 9, 2020, as the deadline for
9 NHC's Updated Opposition, with the United States' reply due October 26, 2020, and NHC's
10 own reply due November 13, 2020. On September 9, 2020, Plaintiff filed her Response and
11 Reply to the United States' Motion to Dismiss and Cross-Motion for Summary Judgment.

12 The United States filed its Reply in Support of its Motion to Dismiss and Opposition to
13 Cross-Motion for Summary Judgment on October 26, 2020, reiterating its prior arguments that
14 offsets are proper. The motion to dismiss of the United States and the Receiver's cross-motion
15 for partial summary judgment remain pending before the U.S. Court of Federal Claims.
16 Through an Order dated April 7, 2011, Judge Solomson directed the parties to provide a joint
17 status report by April 14, 2021, concerning the status of the state-level matters which
18 necessitated the stay of the federal proceedings. This joint status report was also requested
19 to provide dates in May for the hearing of oral argument in connection with motions which
20 remain pending, and which have at this time been fully briefed. Subsequent to the parties' joint
21 proposal of dates for oral argument, Judge Solomson ordered that such a hearing would be
22 conducted on May 24, 2021. Oral argument on the pending motions was held on May 24,
23 2021, but an order has not been issued.

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

25 Through the filing of a Complaint dated June 5, 2020, in Case Number A-20-816161-C,
26 in Department Number Eight of the Eighth Judicial District Court, the Receiver has brought an
27 action against the Exchange for, *inter alia*, damages of approximately one-half million dollars
28 in premiums received from on-exchange insureds on behalf of NHC, but never remitted to the

CO-OP. The Complaint alleges that the retention of these funds by the Exchange, without explanation or justification, constitutes a violation of the existing agreement between the parties, unjust enrichment of the Exchange at the expense of receivership claimants, and an appropriate basis for the imposition of a constructive trust over the assets at issue. The Exchange filed its Answer on August 24, 2020, denying the relevant allegations and asserting conventional affirmative defenses such as the doctrine of assumption of risk, sovereign immunity, contributory negligence, offset, and unclean hands. Following the October 8, 2020, Joint Case Conference Report, and the November 19, 2020, Mandatory Rule 16 Conference, the proceedings were scheduled along the dates set out in the relevant November 24, 2020, Scheduling Order and Order Setting Civil Bench Trial. However, these deadlines were vacated by subsequent Stipulations and Orders, most recently the one which was filed on May 20, 2021, and are expected to be re-set upon the mutual agreement of the parties.

Defendant has filed, as of January 8, 2021, their Motion for Leave to File Third-Party Complaint, seeking to bring into the proceedings its contractor Xerox State Healthcare, LLC. Following a series of Stipulations and Orders to Extend Time for Plaintiff to File Response entered over the ensuing months, most recently the one entered on May 6, 2021, the hearing on this and related pleadings has been scheduled for July 8, 2021. Plaintiff filed the Opposition to the Defendant's Motion on April 12, 2021, with Defendant's Reply in Support being filed on April 26, 2021. The July 8, 2021, hearing on the Motion was not vacated by the May 20, 2021, Stipulation and Order which has vacated the other deadlines, for civil trial and otherwise.

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

1 services contract with NHC, which, as per the Receiver's allegations, constitute a material
2 shifting of insurance risk from a licensed carrier (NHC) to an unlicensed insurer (WellHealth)—
3 and WellHealth was also expressly disapproved by the Nevada Division of Insurance as a
4 Delivery Service Intermediary. Defendants in this action received millions of dollars from NHC
5 in exchange for their services, which are alleged in the Complaint to not have been performed
6 at the standard required, or with necessary licenses and legal authority. The Receiver has not
7 yet received an Answer from defendants in this matter but will proceed to discovery and further
8 litigation on the merits when appropriate.

9 Subsequent to service having been provided to Defendants and certified via a series of
10 Affidavits filed with the court between March 8 and March 11, 2021, Defendants WellHealth, as
11 well as Messrs. Keltie and Volker, filed their Motion to Dismiss Pursuant to NRCP 4(e), seeking
12 dismissal without prejudice on the grounds that, under the relevant rules, service must be
13 completed no more than 120 days subsequent to the filing of the complaint, unless judicial
14 approval for late service was sought and obtained. On April 7, 2021, Plaintiff filed an
15 Opposition to Defendants' Motion to Dismiss Pursuant to NRCP 4(e) and Countermotion to
16 Enlarge Time for Service of Process, to which Defendant filed a reply on April 22, 2021. Plaintiff
17 filed a reply in support of the Opposition on April 28, 2021. Oral argument on the Motion to
18 Dismiss was heard on April 29, 2021. Subsequent to the hearing, Judge Yeager granted the
19 Motion to Dismiss without prejudice. The parties are now working on a potential resolution of
20 this case without the need for further litigation.

21 **Current Receivership Assets**

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

26 1. The unrestricted cash assets of the CO-OP have fluctuated with post-
27 receivership expenses and claim payments, as well as with the Receiver's receipt of member
28 premiums. The currently available, unrestricted cash assets of the CO-OP as of May 31, 2021,

1 were approximately \$4,381,237.00. The majority of NHC's currently available and liquid assets
2 are held in bank deposits.

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

7 3. The Receiver is including, as **Exhibit 2** attached hereto, a cash flow report for
8 NHC for the period covering the inception of the receivership through May 31, 2021. This report
9 reflects a summary of disbursements and collections made by NHC during this period.

10 CONCLUSION

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

14 DATED this 28th day of June 2021.

15 Respectfully submitted:

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

20 By: /s/ CANTILO & BENNETT, L.L.P.
21 Special Deputy Receiver
22 By Its Authorized Representative
23 Mark F. Bennett

24 Respectfully submitted by:

25 /s/ Donald L. Prunty

26 MARK E. FERRARIO, ESQ.

27 ERIC W. SWANIS, ESQ.

28 Donald L. Prunty, Esq.

10845 Griffith Peak Drive

Suite 600

Las Vegas, Nevada 89135

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 28th day of June 2021, and pursuant to NEFCR 9, NRCP 5(b), and EDCR 7.26, I served this **TWENTY-THIRD 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)

Attorney General's Office	
Contact	Email
Joanna Grigoriev	jgrigoriev@ag.nv.gov
Marilyn Millam	mmillam@ag.nv.gov
Richard Paili Yien	ryien@ag.nv.gov
Brownstein Hyatt Farber Schreck	
Contact	Email
Bryce C. Loveland	bcloveland@bhfs.com
Brownstein Hyatt Farber Schreck, LLP	
Contact	Email
Christopher Humes, Esq.	chumes@bhfs.com
Ebony Davis	edavis@bhfs.com
Cantilo and Bennett LLP	
Contact	Email
Arati Bhattacharya	abhattacharya@cb-firm.com
Josh O. Lively	jolively@cb-firm.com
Kristen W. Johnson	kwjohnson@cb-firm.com
Mark F. Bennett	mfbennett@cb-firm.com
Patrick H. Cantilo	phcantilo@cb-firm.com
Service	Service@cb-firm.com
Division of Insurance	
Contact	Email
Felecia Casci	fcasci@doi.nv.gov
Greenberg Traurig, LLP	
Contact	Email
7132 Andrea Rosehill	rosehilla@gtlaw.com
7368 Sandy Jackson	jacksonsa@gtlaw.com
Eric W. Swanis	SwanisE@gtlaw.com
EWS Eric Swanis	swanise@gtlaw.com
IOM Mark Ferrario	lviitdock@gtlaw.com
LVGTDocketing	lviitdock@gtlaw.com
Law Offices of Stephenson, Acquisto & Colman, Inc.	
Contact	Email
Barry Sullivan	bsullivan@sacfirm.com
Reception	reception@sacfirm.com
Richard Harris Law Firm	
Contact	Email
Kristina Weller Esq	Kristina@richardharrislaw.com
Ridge Portelli	Ridge@richardharrislaw.com

Senior Deputy Attorney General	
Contact	Email
Joanna N. Grigoriev	jgrigoriev@ag.nv.gov
US Department of Health and Human Services	
Contact	Email
Leslie Stafford	Leslie.Stafford@HHS.GOV
US Department of Justice	
Contact	Email
Serena Orloff	Serena.M.Orloff@usdoj.gov
Terrance A. Mebane	Terrance.A.Mebane@usdoj.gov

/s/ Evelyn Escobar-Gaddi

An employee of Greenberg Traurig, LLP

EXHIBIT 1

Summaries

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

April 6, 2021

BILL SUMMARY

70750 Nevada Health Co-Op ("NHC")

January 1, 2021 - January 31, 2021

Matter No. and Description	Invoice Numbers	Fees	Costs	Total
January 2021	25359 - 25365	\$ 54,638.75	\$ 804.57	\$ 55,443.32
Totals (1)		\$ 54,638.75	\$ 804.57	\$ 55,443.32

April 06, 2021
12:13 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 70750003 Claims	01/31/21	25364	4,920.00	0.00	0.00	4,920.00
70750008 Company Administration	01/31/21	25361	3,018.75	0.00	0.00	3,018.75
70750100 Asset Recovery	01/31/21	25362	46,200.00	0.00	0.00	46,200.00
70750102 NHC vs. CMS Litigation	01/31/21	25365	500.00	0.00	0.00	500.00
Totals (4)			54,638.75	0.00	0.00	54,638.75

Cantilo & Bennett, L.L.P.

**NEVADA HEALTH CO-OP
TIMEKEEPER SUMMARY REPORT
1/1/21 - 1/31/21**

		Billable Hours	Billable Rate	January Billing
1	Timekeeper - Patrick H. Cantilo	0.00	\$490.00	\$0.00
2	Timekeeper - Mark F. Bennett	44.00	\$400.00	\$17,600.00
3	Timekeeper - Kristen W. Johnson	23.40	\$300.00	\$7,020.00
4	Timekeeper - Josh O. Lively	147.50	\$200.00	\$29,500.00
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	3.35	\$125.00	\$418.75
10	TimeKeeper - Pierre Riou	0.00	\$300.00	\$0.00
11	TimeKeeper - Jeffrey L. Collins	0.80	\$125.00	\$100.00
	GRAND TOTAL	219.05		\$54,638.75

Date 01/01/2021:01/31/2021
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				0.8	1.3		0.5	0.5																	0.3							4.25
70750100				1.0	0.5	0.5	2.0	2.0					0.8	0.3	0.5		1.3	2.0	5.0	2.5	5.0	8.0		2.5	4.5		1.0				38.75	
70750102				0.5		0.5																			2.5			0.5				1.00
Sub Total (MFB)				2.3	1.8	1.0	2.5	2.5					0.8	0.3	0.5		1.3	2.0	5.0	2.5	5.0	8.0		2.8	4.5		1.5				44.00*	
Grand Total	0.0	0.0	0.0	2.3	1.8	1.0	2.5	2.5	0.0	0.0	0.0	0.0	0.8	0.3	0.5	0.0	1.3	2.0	5.0	2.5	5.0	8.0	0.0	2.8	4.5	0.0	1.5	0.0	0.0	0.0	44.00	

Date 01/01/2021:01/31/2021
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				1.2	0.2		2.3	0.3						0.2				0.2	2.7	3.1					5.3	0.2	0.7					16.40
70750008				1.2	1.7														2.0										0.1			3.00
70750100								2.0																								4.00
Sub Total (KWJ)				1.2	1.4	1.7	2.3	2.3					0.2				0.2	4.7	3.1					5.3	0.2	0.7		0.1				23.40*
Grand Total	0.0	0.0	0.0	1.2	1.4	1.7	2.3	2.3	0.0	0.0	0.0	0.0	0.0	0.2	0.0	0.0	0.0	0.0	4.7	3.1	0.0	0.0	0.0	5.3	0.2	0.7	0.0	0.1	0.0	0.0		23.40

Date 01/01/2021:01/31/2021
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	8.0		6.5			8.0	8.0	8.0			3.5			8.0	8.0	9.0	8.5	8.0	3.0	8.0	8.0	8.5	8.0	8.5	4.0		147.50
Sub Total (JOL)				8.0	8.0	8.0		6.5			8.0	8.0	8.0			3.5			8.0	8.0	9.0	8.5	8.0	3.0	8.0	8.0	8.5	8.0	8.5	4.0		147.50*
Grand Total																																
	0.0	0.0	0.0	8.0	8.0	8.0	0.0	6.5	0.0	0.0	8.0	8.0	8.0	0.0	0.0	3.5	0.0	0.0	8.0	8.0	9.0	8.5	8.0	3.0	8.0	8.0	8.5	8.0	8.5	4.0	0.0	147.50

Date 01/01/2021:01/31/2021
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						0.1	0.1					0.3	0.1					0.3	0.8	0.4					0.1	0.5	0.5	0.3	0.1			3.35
Sub Total (IXS)						0.1	0.1					0.3	0.1					0.3	0.8	0.4					0.1	0.5	0.5	0.3	0.1			3.35*
Grand Total	0.0	0.0	0.0	0.0	0.0	0.1	0.1	0.0	0.0	0.0	0.0	0.0	0.3	0.1	0.0	0.0	0.0	0.0	0.3	0.8	0.4	0.0	0.0	0.0	0.1	0.5	0.5	0.3	0.1	0.0	0.0	3.35

April 06, 2021
1:51 pm

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

Page 1
[pr 3b]

Client ID 70750
Work Date 1/1/21:01/31/2021

TimeKeeper		Hours	Fees	NC Hours	NC Fees
MFB MARK F. BENNETT					
70750008	Company Administration	4.25	1,700.00	0.00	0.00
70750100	Asset Recovery	38.75	15,500.00	0.00	0.00
70750102	NHC vs. CMS Litigation	1.00	400.00	0.00	0.00
	Sub Total (MFB)	44.00	17,600.00	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	16.40	4,920.00	0.00	0.00
70750008	Company Administration	3.00	900.00	0.00	0.00
70750100	Asset Recovery	4.00	1,200.00	0.00	0.00
	Sub Total (KWJ)	23.40	7,020.00	0.00	0.00*
JOL JOSHUA O. LIVELY					
70750100	Asset Recovery	147.50	29,500.00	0.00	0.00
	Sub Total (JOL)	147.50	29,500.00	0.00	0.00*
IXS ISAIAH SAMANIEGO					
70750008	Company Administration	3.35	418.75	0.00	0.00
	Sub Total (IXS)	3.35	418.75	0.00	0.00*
Grand Total		219.05	54,638.75	0.00	0.00

April 06, 2021
12:12 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 70750001 Takeover Administration	01/31/21	25359	0.00	743.37	0.00	743.37
70750003 Claims	01/31/21	25360	0.00	17.50	0.00	17.50
70750102 NHC vs. CMS Litigation	01/31/21	25363	0.00	43.70	0.00	43.70
Totals (3)			0.00	804.57	0.00	804.57

Work Date 01/01/2021:01/31/2021
Client ID 70750

Staff ID	Cost Code	Units	Amount	Write Down	Total
	MT1A MISCELLANEOUS	0.00	43.70	0.00	43.70
	PO1E POSTAGE	0.00	105.20	0.00	105.20
	TS1E TELEPHONE CHARGES	0.00	655.67	0.00	655.67
	Sub Total ()	0.00	804.57	0.00	804.57
	Grand Total	0.00	804.57	0.00	804.57

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

April 29, 2021

BILL SUMMARY

70750 Nevada Health Co-Op ("NHC")

February 1, 2021 - February 28, 2021

Matter No. and Description	Invoice Numbers	Fees	Costs	Total
February 2021	25366 - 25371 25383 - 25384	\$ 52,267.50	\$ 744.89	\$ 53,012.39
Totals (1)		\$ 52,267.50	\$ 744.89	\$ 53,012.39

Cantilo & Bennett, L.L.P.

**NEVADA HEALTH CO-OP
TIMEKEEPER SUMMARY REPORT
2/1/2021-2/28/2021**

		Billable Hours	Billable Rate	February 2021 Billing
1	Timekeeper - Patrick H. Cantilo	0.00	\$490.00	\$0.00
2	Timekeeper - Mark F. Bennett	30.75	\$400.00	\$12,300.00
3	Timekeeper - Kristen W. Johnson	24.10	\$300.00	\$7,230.00
4	Timekeeper - Josh O. Lively	162.50	\$200.00	\$32,500.00
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	1.10	\$125.00	\$137.50
10	TimeKeeper - Pierre Riou	0.00	\$300.00	\$0.00
11	TimeKeeper - Jeffrey L. Collins	0.80	\$125.00	\$100.00
	GRAND TOTAL	219.25		\$52,267.50

Date 02/01/2021:02/28/2021
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		1	2	3	
MFB																																	
70750008												0.3											0.3	0.3								1.50	
70750100			2.0	0.3	0.8			3.0	3.0	3.0		3.5	2.0		1.8	3.0	0.3				1.0		1.0	1.0	2.0	2.0	2.3					28.75	
70750102												0.5																				0.50	
Sub Total (MFB)			0.5	2.0	0.3	0.8		3.0	3.0	3.3		4.3	2.0	2.0	1.8	3.0	0.3				1.0	0.3	1.3	2.0	2.0	2.3						30.75*	
Grand Total			0.0	0.5	2.0	0.3	0.8	0.0	0.0	3.0	3.0	3.3	0.0	4.3	0.0	1.8	3.0	0.3	0.0	0.0	0.0	1.0	0.3	1.3	2.0	2.0	2.3	0.0	0.0	0.0	0.0	0.0	30.75

[illegible]

Date 02/01/2021-02/28/2021
Client ID 70750
Staff ID kwj

	Day of Month												Total
	1	2	3	4	5	6	7	8	9	10	11	12	
KWJ													
70750000	2.7	3.5		0.5				0.6		1.0	4.0	0.3	0.30
70750003												1.1	18.10
70750008								1.1	2.6			0.2	1.20
70750100			0.6					1.7	2.6	1.0	4.0	1.6	4.50
Sub Total (KWJ)	2.7	3.5	0.6	0.5				1.7	2.6	1.0	4.0	1.6	24.10*
Grand Total	2.7	3.5	0.6	0.5	0.0	0.0	0.0	1.7	2.6	1.0	4.0	1.6	24.10

Date 02/01/2021:02/28/2021
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		1	2	3
JOL																																
70750100	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.5	8.0	8.0	4.5	6.5	4.0	8.0	9.0	9.0	6.5	9.0	5.0	5.0	8.5	8.0	8.0	8.0	8.5	4.5				162.50	
Sub Total (JOL)	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.5	8.0	8.0	4.5	6.5	4.0	8.0	9.0	9.0	6.5	9.0	5.0	5.0	8.5	8.0	8.0	8.0	8.5	4.5				162.50*	
Grand Total	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.5	8.0	8.0	4.5	6.5	4.0	8.0	9.0	9.0	6.5	9.0	5.0	5.0	8.5	8.0	8.0	8.0	8.5	4.5	0.0	0.0	0.0	0.0	162.50

Date 02/01/2021:02/28/2021
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	1	2	3	Total
IXS 70750008																																	
	Sub Total (IXS)			0.3					0.1			0.5															0.3						
				0.3				0.1				0.5														0.3							1.10*
Grand Total		0.0	0.0	0.3	0.0	0.0	0.0	0.0	0.1	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	0.0	0.0	0.0	0.0	0.3	0.0	0.0	0.0	0.0	0.0	1.10

April 29, 2021
4:17 pm

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

Page 1
[pr 3b]

Client ID 70750
Work Date 2/1/21:02/28/2021

TimeKeeper		Hours	Fees	NC Hours	NC Fees
MFB	MARK F. BENNETT				
70750008	Company Administration	1.50	600.00	0.00	0.00
70750100	Asset Recovery	28.75	11,500.00	0.00	0.00
70750102	NHC vs. CMS Litigation	0.50	200.00	0.00	0.00
	Sub Total (MFB)	30.75	12,300.00	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				
70750000	General	0.30	90.00	0.00	0.00
70750003	Claims	18.10	5,430.00	0.00	0.00
70750008	Company Administration	1.20	360.00	0.00	0.00
70750100	Asset Recovery	4.50	1,350.00	0.00	0.00
	Sub Total (KWJ)	24.10	7,230.00	0.00	0.00*
JOL	JOSHUA O. LIVELY				
70750100	Asset Recovery	162.50	32,500.00	0.00	0.00
	Sub Total (JOL)	162.50	32,500.00	0.00	0.00*
IXS	ISAIAH SAMANIEGO				
70750008	Company Administration	1.10	137.50	0.00	0.00
	Sub Total (IXS)	1.10	137.50	0.00	0.00*
Grand Total		219.25	52,267.50	0.00	0.00

April 14, 2021
10:31 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 70750000 General	02/28/21	25366	90.00	0.00	0.00	90.00
70750003 Claims	02/28/21	25383	5,430.00	0.00	0.00	5,430.00
70750008 Company Administration	02/28/21	25384	1,097.50	0.00	0.00	1,097.50
70750100 Asset Recovery	02/28/21	25370	45,350.00	0.00	0.00	45,350.00
70750102 NHC vs. CMS Litigation	02/28/21	25371	300.00	0.00	0.00	300.00
Totals (5)			52,267.50	0.00	0.00	52,267.50

April 14, 2021
10:29 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 70750001 Takeover Administration	02/28/21	25367	0.00	636.95	0.00	636.95
70750003 Claims	02/28/21	25368	0.00	19.89	0.00	19.89
70750008 Company Administration	02/28/21	25369	0.00	88.05	0.00	88.05
Totals (3)			0.00	744.89	0.00	744.89

11401 Century Oaks Terrace
Suite 310
Austin, Texas 78758



PALOMAR FINANCIAL, LC

Telephone (512) 404-6555
Facsimile (512) 404-6530
Toll Free (877) 309-7105
www.palomarfin.com

April 6, 2021

BILL SUMMARY

70750 Nevada Health Co-Op ("NHC")

January 1, 2021 – January 31, 2021

Matter No. and Description	Fees	Costs	Total
January 2021 Non-IT Services	\$7,090.00	\$0.00	\$7,090.00
January 2021 IT Services Flat Fee	5,000.00	0.00	5,000.00
Totals	\$12,090.00	\$0.00	\$12,090.00

Palomar Financial, LC

NEVADA HEALTH CO-OP
PRIVILEGED AND CONFIDENTIAL
SUMMARY REPORT
PERIOD JANUARY 2021

		Billable Hours	Billable Rate	January 2021 Billing
1	TIMEKEEPER - Nicole Wilkins	3.65	\$250.00	\$912.50
2	TIMEKEEPER - Robert Stebel	0.00	\$160.00	\$0.00
3	TIMEKEEPER - Kelly Reed	2.25	\$150.00	\$337.50
4	TIMEKEEPER - Neda Khalaf	14.00	\$160.00	\$2,240.00
5	TIMEKEEPER - Brent Andrews	0.00	\$150.00	\$0.00
6	TIMEKEEPER - Mary Noel	24.00	\$150.00	\$3,600.00
	GRAND TOTAL	43.90		\$7,090.00

Palomar Financial, LC
01/01/2021-01/31/2021
Client: Nevada Health Co-Op ("NHC")

Staff ID	Name	Description	Hours	Amount
NMW	Nicole Wilkins	Accounting Reports/Receivership Team Support	0.20	\$ 50.00
		Accounts Payable and Receivable	2.05	\$ 512.50
		Bank Account Administration/Reconciliation	1.00	\$ 250.00
		1099 Reports and Administration	0.20	\$ 50.00
		Reports/Replies to Policyholders, Creditors, Other Parties	0.20	\$ 50.00
		Sub Total (NMW)	3.65	\$ 912.50
RNS	Robert Stebel	Taxes & Tax Planning	0.00	\$ -
		Sub Total (RNS)	0.00	\$ -
KJR	Kelly Reed	Bank Account Administration/Reconciliations	2.25	\$ 337.50
		Sub Total (KJR)	2.25	\$ 337.50
NK	Neda Khalaf	Accounting Reports/Receivership Team Support	14.00	\$ 2,240.00
		Sub Total (NK)	14.00	\$ 2,240.00
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	20.75	\$ 3,112.50
		1099 Reports and Administration	3.00	\$ 450.00
		Sub Total (MFN)	24.00	\$ 3,600.00
Grand Total			43.90	\$ 7,090.00

11401 Century Oaks Terrace
Suite 310
Austin, Texas 78758



PALOMAR FINANCIAL, LC

Telephone (512) 404-6555
Facsimile (512) 404-6530
Toll Free (877) 309-7105
www.palomarfin.com

April 13, 2021

BILL SUMMARY

70750 Nevada Health Co-Op ("NHC")

February 1, 2021 – February 28, 2021

Matter No. and Description	Fees	Costs	Total
February 2021 Non-IT Services	\$4,432.50	\$0.00	\$4,432.50
February 2021 IT Services Flat Fee	5,000.00	0.00	5,000.00
Totals	\$9,432.50	\$0.00	\$9,432.50

Palomar Financial, LC

NEVADA HEALTH CO-OP
PRIVILEGED AND CONFIDENTIAL
SUMMARY REPORT
PERIOD FEBRUARY 2021

		Billable Hours	Billable Rate	February 2021 Billing
1	TIMEKEEPER - Nicole Wilkins	2.50	\$250.00	\$625.00
2	TIMEKEEPER - Robert Stebel	0.00	\$160.00	\$0.00
3	TIMEKEEPER - Kelly Reed	2.00	\$150.00	\$300.00
4	TIMEKEEPER - Neda Khalaf	17.00	\$160.00	\$2,720.00
5	TIMEKEEPER - Brent Andrews	0.00	\$150.00	\$0.00
6	TIMEKEEPER - Mary Noel	5.25	\$150.00	\$787.50
	GRAND TOTAL	26.75		\$4,432.50

Palomar Financial, LC
2/01/2021-2/28/2021
Client: Nevada Health Co-Op ("NHC")

Staff ID	Name	Description	Hours	Amount
NMW	Nicole Wilkins	Accounting Reports/Receivership Team Support	0.85	\$ 212.50
		Accounts Payable and Receivable	0.85	\$ 212.50
		Bank Account Administration/Reconciliation	0.80	\$ 200.00
		Sub Total (NMW)	2.50	\$ 625.00
RNS	Robert Stebel	Payroll & Employee Benefits	0.00	\$ -
		Sub Total (RNS)	0.00	\$ -
KJR	Kelly Reed	Bank Account Admnistration/Reconciliations	2.00	\$ 300.00
		Sub Total (KJR)	2.00	\$ 300.00
NK	Neda Khalaf	Accounting Reports/Receivership Team Support	17.00	\$ 2,720.00
		Sub Total (NK)	17.00	\$ 2,720.00
BA	Brent Andrews	IT Support & Administration	0.00	\$ -
		Sub Total (BA)	0.00	\$ -
MFN	Mary Noel	Investment Accounting/Support	0.50	\$ 75.00
		Accounts Payable and Receivable	4.75	\$ 712.50
		Sub Total (MFN)	5.25	\$ 787.50
Grand Total			26.75	\$ 4,432.50



Invoice No.: 5623561
File No. : 170678.010100
Bill Date : March 17, 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 February 28, 2021:

Total Fees: \$ 61,561.50

Expenses:

Filing Fees

10.50

Total Expenses: \$ 10.50

Total Current Invoice: \$ 61,572.00

MEF:TKK

Tax ID: 13-3613083



Invoice No.: 5623563
File No. : 170678.010700
Bill Date : March 17, 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 February 28, 2021:

Total Fees: \$ 3,377.50

Total Current Invoice: \$ 3,377.50

MEF:TKK
Tax ID: 13-3613083



Invoice No.: 5623543
File No. : 170678.010500
Bill Date : March 17, 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 February 28, 2021:

Total Fees: \$ 14,990.00

Total Current Invoice: \$ 14,990.00

MEF:TKK
Tax ID: 13-3613083



Invoice No.: 5623564
File No. : 170678.010800
Bill Date : March 17, 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: NHC v. WellHealth, etcl

Legal Services through February 28, 2021:

Total Fees: \$ 180.00

Total Current Invoice: \$ 180.00

MEF:TKK
Tax ID: 13-3613083



Invoice No.: 5653868
File No.: 170678.010100
Bill Date: April 27, 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 March 31, 2021:

Total Fees: \$ 71,937.00

Expenses:

Filing Fees

3.50

Total Expenses: \$ 3.50

Total Current Invoice: \$ 71,940.50

MEF:TKK

Tax ID: 13-3613083



Invoice No.: 5653869
File No. : 170678.010500
Bill Date : April 27, 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 March 31, 2021:

Total Fees: \$ 12,377.50

Total Current Invoice: \$ 12,377.50

MEF:TKK
Tax ID: 13-3613083



Invoice No.: 5653865
File No. : 170678.010700
Bill Date : April 27, 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 March 31, 2021:

Total Fees: \$ 22,054.50

Expenses:

Filing Fees

10.50

Total Expenses: \$ 10.50

Total Current Invoice: \$ 22,065.00

MEF:TKK

Tax ID: 13-3613083



Invoice No. : 5653871
File No. : 170678.010800
Bill Date : April 27, 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: NHC v. WellHealth, etcl

Legal Services through March 31, 2021:

Total Fees: \$ 2,583.00

Expenses:

Filing Fees 14.00
Subpoenas 495.00

Total Expenses: \$ 509.00

Total Current Invoice: \$ 3,092.00

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

April 9, 2021
FTI Invoice No. 7579064
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 March 31, 2021

Amount Due This Period

Professional Services.....	\$9,225.00
Expenses	<u>\$0.00</u>
Total Amount Due	<u><u>\$9,225.00</u></u>



Invoice Remittance

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

May 12, 2021
FTI Invoice No. 7582635
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 April 30, 2021

Amount Due This Period

Professional Services.....	\$18,225.00
Expenses	<u>\$0.00</u>
Amount Due this Period.....	\$18,225.00

DEVITO CONSULTING, INC.
189 SOUAN BEACH DRIVE, MANTOLOKING, NJ 08738
J. DeVito (201) 245-3034
S. DeVito (201) 310-6307



VIA EMAIL ONLY

May 10, 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")

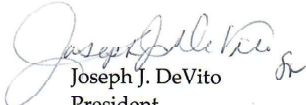
Dear Mr. Bennett:

The following is a summary of consulting fees incurred from April 1, 2021 through April 30, 2021 in connection with the above-referenced matter.

Total Due - Consulting Fees	<u>\$6,825.00</u>
-----------------------------	-------------------

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

Very truly yours,


Joseph J. DeVito
President

Enclosures

EXHIBIT 2

Cash Flow

NEVADA HEALTH CO-OP

Cash Flow Analysis

Oct. 2015 - May 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	846,232
TOTAL SOURCES:	35,500,054

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	(12,793,758)
9010 ACA Fee / 720 PCORI Fee	(161,242)
Provider Claims Payments	(919,796)
Professional Services	(13,035,945)

TOTAL USES:

(36,471,235)

Net cash increase for period

(971,180)

Ending Cash as of May 31, 2021

\$ 4,381,237