

Case No. _____

IN THE SUPREME COURT OF NEVADA

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

Petitioners,

vs.

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

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.

District Court Case No. A-17-760558-B, Department XVI

**APPENDIX TO PETITION FOR EXTRAORDINARY WRIT RELIEF
VOLUME 2 OF 11**

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June 30, 2021

APPENDIX TO PETITION FOR EXTRAORDINARY WRIT RELIEF
VOLUME 2 OF 11

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APPENDIX TO PETITION FOR EXTRAORDINARY WRIT RELIEF

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TAB 7

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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., 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 Company;
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; BOBBETTE BOND, an
Individual; KATHLEEN Silver, an Individual;
DOES I-X inclusive; and ROE CORPORATIONS
I-X, inclusive,

Defendants.

Case No. A-17-760558-C

DEPT. NO.: XVI

**DEFENDANT UNITE HERE HEALTH'S
SECOND SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS TO
PLAINTIFF**

1 **DEFENDANT UNITE HERE HEALTH'S SECOND SET OF**
2 **REQUESTS FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF**

3 Pursuant to Rule 33 of the Nevada Rules of Civil Procedure, Defendant UNITE HERE HEALTH
4 ("UHH") by and through its counsel of record, hereby requests Plaintiff STATE OF NEVADA, EX
5 REL, COMMISSIONER OF INSURANCE, BARBARA D. RICHARDSON, IN HER OFFICIAL
6 CAPACITY AS RECEIVER FOR NEVADA HEALTH Co-Op, ("Plaintiff") respond within thirty (30)
7 days to the following Requests for Production of documents:

8 **INSTRUCTIONS AND DEFINITIONS**

9 The information that it sought must be given in full and in detail, under oath, whether it is
10 secured by you, your agent, representative, attorney, or any other person who has made this knowledge
11 known to you or from whom you can obtain this information and who is competent to testify to the
12 facts stated.

13 A. Whenever the word "document" is used in these Requests, this will be liberally construed
14 to include, without limitation, all originals, copies and duplicates of all tangible forms of electronic,
15 graphic, photographic and phone recordings, including but not limited to information in databases,
16 correspondence, records, reports, memoranda, invoices, contracts, statements, telegrams, cancelled
17 checks, microfilms, photographs, tapes, discs and all other kinds of written or documentary personal
18 property.

19 B. As used herein the term "communication" means and includes any written, oral,
20 telephonic or other inquiry, representation, discussion, conversation, agreement, understanding, meeting,
21 memorandum, letter, note, telegram, advertisement or interview.

22 C. The term "and" includes "or" and the term "or" includes "and."

23 D. The term "including" means "including but not limited to."

24 E. The use of the singular of any word refers, in addition, to the plural of such word, and the
25 use of the plural of any word refers, in addition, to the singular of such word.
26
27
28

1 F. As used herein, the terms "you", "your", and "yourself" refers to the answering party, and,
2 shall include each of your accountants, agents, representatives, affiliates, employees, attorneys and each
3 person acting or purporting to act on behalf of answering party.

4 G. "UHH" means Defendant UNITE HERE HEALTH, including all of its past or present
5 principals, members, employees, agents, representatives, attorneys, or other persons or entities acting or
6 purporting to act for, on behalf of, or with, all or any of them.

7 H. "Silver" means Defendant Kathleen Silver, including all of her past or present agents,
8 representatives, attorneys, or other persons or entities acting or purporting to act for, or on behalf of, or
9 with, her.

10 I. "NHC" means Nevada Health Co-Op, including all of its past or present principals,
11 members, employees, agents, representatives, attorneys, or other persons or entities acting or purporting
12 to act for, on behalf of, or with, all or any of them, including its predecessor - Hospitality Health.

13 J. "NHS" means Nevada Health Solutions, LLC, including all or its past or present
14 principals, members, employees, agents, representatives, attorneys, or other persons or entities acting or
15 purporting to act for, on behalf of, or with, all or any of them.

16 K. "HHS" means the U.S. Department of Health and Human Services, including but not
17 limited to the Centers for Medicare and Medicaid Services, ("CMS") all of its past or present principals,
18 members, employees, agents, representatives, attorneys, or other persons or entities acting or purporting
19 to act for, on behalf of, or with, all or any of them.

20 L. "CMS" means Centers for Medicare and Medicaid Services, an agency of HHS, including
21 all of its past or present principals, members, employees, agents, representatives, attorneys, or other
22 persons or entities acting or purporting to act for, on behalf of, or with, all or any of them.

23 M. "CMS Loans" means the start-up and solvency loans provided by CMS to Hospitality
24 Health and later transferred and assumed by NHC as tried in Plaintiff's Complaint in this action.

25 N. "Larson" means Defendant Larson and Company, P.C., including all of its past or present
26 principals, members, employees, agents, representatives, attorneys, or other persons or entities acting or
27 purporting to act for, on behalf of, or with, all or any of them.

O. “Culinary Health Fund” means the Culinary Health Fund, as used by NHC in this lawsuit.

P. “Nevada DOI” or “NDOI” means Nevada Division of Insurance, including all of its past or present principals, members, employees, agents, representatives, attorneys, or other persons or entities acting or purporting to act for, on behalf of, or with, all or any of them.

Q. “Defendants” means any and/or all of the defendants in this lawsuit.

R. If an objection is made as to the production of any requested information, or if any Request is otherwise not answered in full:

- (1) State the specific grounds for not answering in full;
- (2) State the answer to the Request to the extent to which it is not objected;
- (3) Fully identify the information, documents and/or other item for which is objection is asserted; and
- (4) If the privilege is alleged, the privilege asserted (e.g., work product, attorney/client).

S. These Requests are deemed to continue consistent with NRCP 26(e) so as to require supplemental responses if you obtain further information between the time your response is served and the time of trial. Your response to these requests must be amended if you made additional or different contentions of fact which are not the same as those set forth in your response or if your response ceases to be a true and complete response between the time your response is served and time of trial.

T. Production is required consistent with the parties’ ESI Protocol.

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REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1:

Please produce documents reviewed, referenced, cited and/or relied upon by your expert witnesses, including but not limited to Henry Osowski, Suzanne Schlernitzauer, Mark Fish, Joseph DeVito and Special Deputy Receiver.

REQUEST FOR PRODUCTION NO. 2:

Please produce the complete file in the possession of your expert witnesses relating in any way to this Lawsuit, including but not limited to Henry Osowski, Suzanne Schlernitzauer, Mark Fish, Joseph DeVito and Special Deputy Receiver.

REQUEST FOR PRODUCTION NO. 3:

Please produce documents relating to any expert witness you have retained and/or you intend on using at trial, whether initial, rebuttal, or non-retained, including, but not limited to, their names, resumes, curriculum vitae, engagement letters, expert reports (if any), any supporting data or information, on which their opinions or reports may rely, including but not limited to Henry Osowski, Suzanne Schlernitzauer, Mark Fish, Joseph DeVito and Special Deputy Receiver.

REQUEST FOR PRODUCTION NO. 4:

Please produce documents provided to anyone who performed any work which was the basis of (in whole or in part) and/or referenced or relied upon in any way in preparation of and/or in the Special Deputy Receiver Report (PLAINTIFF02479813- PLAINTIFF02479851).

REQUEST FOR PRODUCTION NO. 5:

Please produce documents prepared by anyone who performed any work which was the basis of (in whole or in part) and/or referenced or relied upon in any way in preparation of and/or in the Special Deputy Receiver Report (PLAINTIFF02479813- PLAINTIFF02479851).

REQUEST FOR PRODUCTION NO. 6:

. Please produce documents reflecting how claims were re-adjudicated as referenced in the Special Deputy Receiver Report (PLAINTIFF02479813- PLAINTIFF02479851), including the platform used to re-adjudicate claims, the length of time it took to build the platform to re-adjudicate claims, the length of

time it took to test the platform to re-adjudicate claims, the length of time it took to re-adjudicate claims and the individuals involved in building, testing and re-adjudicating claims.

REQUEST FOR PRODUCTION NO. 7:

Please produce all personnel files for anyone referenced in response to 2nd RFP Nos. 4, 5 and 6, including names, contact information, resumes, curriculum vitae, engagement letters, scope of work, compensation and contracts.

REQUEST FOR PRODUCTION NO. 8:

Please produce Communications between your attorney and any expert witness to the extent such Communications: (1) relate to compensation for the expert's report or testimony; (2) identify facts or information that your attorney provided to any expert considered in forming the opinions to be expressed; and/or (3) identify assumptions that your attorney provided and the expert relied upon in forming the opinions to be expressed.

REQUEST FOR PRODUCTION NO. 9:

Please produce the documents evidencing that prior to termination, Bill Donahue conveyed concerns about UHH and/or any NHC officers or Board of Directors in any way affiliated with UHH, including but not limited to having conflicts of interests, "questionable contracts and other transactions" and/or contracts not industry standard.

REQUEST FOR PRODUCTION NO. 10:

Please produce the documents evidencing any investigation and/or evaluation of Donahue's contentions and/or claims in his letter to NHC (PLAINTIFF003636-003644).

REQUEST FOR PRODUCTION NO. 11:

Please produce documents regarding Xerox's role and/or involvement with respect to NHC.

REQUEST FOR PRODUCTION NO. 12:

Please produce documents reflecting any claims asserted by NHC against Xerox and/or any related entity regarding the state exchange and issues with receiving accurate and timely membership information.

REQUEST FOR PRODUCTION NO. 13:

Please produce documents reflecting the number and identification of enrolled members NHC had for each month in 2014 and 2015.

REQUEST FOR PRODUCTION NO. 14:

Please produce documents identifying all employees and/or consultants of NHC from 2013 - present who performed services related to claims processing for or on behalf of NHC including, but not limited to, their positions, titles, dates of service, dates of employment, etc.

REQUEST FOR PRODUCTION NO. 15:

Please produce documents relating to all training that was provided to each employee and/or consultant of NHC who provided services for NHC within the scope of work to be performed by UHH on behalf of NHC.

REQUEST FOR PRODUCTION NO. 16:

Please produce documents reflecting the portion of claims processed by NHC.

REQUEST FOR PRODUCTION NO. 17:

Please produce documents reflecting the portion of the backlog of inventory that NHC personnel was responsible for and/or assigned to handle.

REQUEST FOR PRODUCTION NO. 18:

Please produce documents evidencing any obligation by UHH to submit any documents, including the Administrative Services Agreement and/or any licensing, to CMS.

a
DATED: August 12, 2019

Respectfully submitted,

SEYFARTH SHAW LLP

By: _____/s/ Suzanna Bonham
Suzanna C. Bonham
Attorney for Defendant
UNITE HERE HEALTH

TAB 8

TAB 8

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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;
LINDA MATTOON, an Individual; TOM
ZUMTOBEL, an Individual; BOBBETTE BOND,
an Individual; KATHLEEN SILVER, an Individual;
UNITE HERE HEALTH, 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.

Case No.: A-17-760558-C
Dept. No.: XVI

**PLAINTIFF'S RESPONSES TO
DEFENDANT UNITE HERE HEALTH'S
SECOND SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS**

Pursuant to Nevada Rules of Civil Procedure 26 and 34, Plaintiff, Barbara D. Richardson, Commissioner of Insurance in the State of Nevada, in her official capacity as Permanent Receiver of Nevada Health CO-OP (“Plaintiff”), by and through her counsel of record, the law firm of Greenberg Traurig, LLP, hereby sets forth the below objections and responses to Defendant UHH’s (“UHH”) Second Set of Requests for Production of Documents. Please note that UHH’s Second Set of Requests for Production of Documents is not sequentially numbered. Plaintiff is providing responses in the order of the original request.

INSTRUCTIONS AND DEFINITIONS

1. As used herein, the term “Expert Reports” means the written reports of Plaintiff’s four retained expert witnesses - Joseph J. DeVito, Suzanne Schlernitzauer, Mark A. Fish, and Henry Osowski – and all supporting documentation pertaining thereto.

2. The term “SDR Draft Report” means the draft of the Special Deputy Receiver’s Report for Nevada Health CO-OP, Causation and Damages for Key Vendors Unite Here Health, Nevada Health Solutions, and InsureMonkey, as produced on August 5, 2019, bates numbered PLAINTIFF02479813-851, and all supporting documentation pertaining thereto.

GENERAL OBJECTIONS

In responding to these requests, Plaintiff is not admitting the relevance or appropriateness of the requests being propounded, but rather is merely responding to such requests based on the records and information still in existence, presently recollected, and thus far discovered in preparing these responses.

Plaintiff reserves the right to produce at trial, and make reference to any pretrial proceedings, any evidence, facts, documents or information not yet discovered, or the relevance and/or responsiveness of which has not yet been identified by Plaintiff or its counsel.

By responding to this discovery, Plaintiff does not waive: (1) any objections to admissibility of, competency of, relevancy of, materiality of, or privilege attaching to any request; or (2) the right to object to other discovery requests or undertakings involving or relating to the subject matter of the discovery requests herein.

Plaintiff objects to any instructions by UHH insofar as such instructions purport to impose

1 obligations on Plaintiff beyond those set forth in the Nevada Rules of Civil Procedure.

2 Plaintiff objects to the requests to the extent they seek information protected by the attorney-
3 client privilege, the attorney work product doctrine, joint defense privilege, or any other lawfully
4 recognized privilege or immunity. Inadvertent production of any such information shall not constitute
5 a waiver of any privilege or any other ground for objecting to discovery with respect to such
6 information, or any information obtained therefrom, or with respect to the subject matter thereof. Nor
7 shall such inadvertent production waive Plaintiff's rights to object to the use of any such information,
8 or the information obtained therefrom, during any subsequent proceedings.

9 Plaintiff objects to UHH's instructions and definitions to the extent: (a) they alter and
10 therefore obscure the plain and specific meaning of many words that appear in the requests; and (b)
11 a literal application of the instructions and definitions to the requests unduly expands the scope of
12 each inquiry to include information irrelevant to this lawsuit. Therefore, to the extent that responses
13 are provided, Plaintiff will respond to each request according to the ordinary and generally accepted
14 definitions of the words used without regard to UHH's instructions and definitions, and in accordance
15 with the obligations imposed by the Nevada Rules of Civil Procedure and relevant case law.

16 Plaintiff objects to UHH's requests to the extent that they seek information of third parties,
17 the unrestricted disclosure of which might violate the rights or interests of such third parties. Plaintiff
18 further objects to these requests to the extent that they seek the disclosure of information that would
19 violate constitutional, statutory or common law privacy rights of current or former employees of
20 Plaintiff or NHC and that Plaintiff is therefore obligated to protect from disclosure; Plaintiff will not
21 produce any such documents unless and until the Court orders the disclosure of such documents or
22 information.

23 Plaintiff objects to these requests to the extent that they do not comply with the ESI protocol
24 in place for this case. If UHH had complied with the ESI protocol by providing relevant search terms,
25 additional responsive documents may have been identified and produced. Plaintiff remains willing
26 to provide search results for requests compliant with the ESI protocol.

27 No incidental or implied admissions are intended by the responses herein or by the
28 identification or production of particular documents in response to the requests. That Plaintiff has

1 identified or produced a particular document in response to a specific request does not indicate that
2 Plaintiff admits such documents contain information called for by the request. Plaintiff may identify
3 or produce documents that it merely believes may be responsive to a particular request, and Plaintiff
4 reserves the right to subsequently assert that such documents do not contain the information called
5 for by any particular request.

6 Subject to and without waiving the foregoing objections, Plaintiff issues its responses to
7 UHH's Second Set of Requests for Production of Documents as follows:

8 **RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS**

9 **REQUEST FOR PRODUCTION NO. 1:**

10 Please produce documents reviewed, referenced, cited and/or relied upon by your expert
11 witnesses, including but not limited to Henry Osowski, Suzanne Schlernitzauer, Mark Fish, Joseph
12 DeVito and Special Deputy Receiver.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

14 Objection: Plaintiff objects that the Special Deputy Receiver has not been disclosed as a
15 retained expert witness pursuant to NRCP 16.1(a)(2)(B). Subject to, and without waiving the
16 foregoing objections, including the General Objections noted above, see the following:

17 **CONTRACTS**

- 18 • DeVito Consulting, Inc. Letter of Agreement dated November 28, 2016, related to Nevada
19 Health Co-Op (PLAINTIFF02479897 – PLAINTIFF02479899)
- 20 • FIT Consulting, Inc., Letter of Agreement dated December 7, 2016, related to Nevada Health
21 Co-Op (PLAINTIFF02479907 – PLAINTIFF02479914)
- 22 • Gerson Lehrman Group, Inc., Law Firm Agreement for Expert Witnesses Finding Service
23 dated June 27, 2019, for expert, Suzanne Schlernitzauer (PLAINTIFF02479903)
- 24 • Gerson Lehrman Group, Inc., Letter of Agreement with Greenberg Traurig, LLP, dated June
25 17, 2019, for expert, Suzanne Schlernitzaurer (PLAINTIFF02479900 –
26 PLAINTIFF02479902)
- 27 • Retention Agreement dated June 28, 2019 on behalf of Nevada Health Co-Op, for expert
28 Suzanne Schlernitzauer (PLAINTIFF02479904 – PLAINTIFF02479906)

MATERIALS REVIEWED BY EXPERTS

• **Materials Reviewed by Mark A. Fish, F.S.A., M.A.A.A. for Expert Report dated July 30, 2019**

1. PLAINTIFF00337508
2. PLAINTIFF00313520
3. PLAINTIFF00312847
4. PLAINTIFF00301184
5. PLAINTIFF00301101
6. PLAINTIFF01244794
7. PLAINTIFF00286501
8. 039.PDF, PLAINTIFF00503015 – PLAINTIFF0050316
9. PLAINTIFF00004654
10. PLAINTIFF00004655
11. PLAINTIFF00244645
12. PLAINTIFF00005031
13. 056.PDF, PLAINTIFF00188016 – PLAINTIFF00188021
14. Exhibit 103 (Hatch), PLAINTIFF00244985 – PLAINTIFF00244987
15. Exhibit 105 (Hatch), PLAINTIFF00181996 – PLAINTIFF00181998
16. PLAINTIFF00171787
17. Basil Dibsie Deposition Transcript (Vol 1), with exhibits
18. Basil Dibsie Deposition Transcript (Vol 2) Rough
19. PLAINTIFF00188016 – PLAINTIFF00188021
20. PLAINTIFF01456770
21. PLAINTIFF01456776
22. PLAINTIFF01456780
23. PLAINTIFF01456783
24. PLAINTIFF01456789
25. PLAINTIFF01456796
26. PLAINTIFF01456803
27. PLAINTIFF01456810
28. PLAINTIFF01456816
29. PLAINTIFF01456821
30. PLAINTIFF01456826
31. PLAINTIFF01456863
32. PLAINTIFF01456868
33. PLAINTIFF01456875
34. PLAINTIFF01456879
35. PLAINTIFF01456884
36. PLAINTIFF01456889
37. PLAINTIFF01456905
38. PLAINTIFF01456907
39. PLAINTIFF01457023
40. PLAINTIFF01459241
41. PLAINTIFF01459242

42. PLAINTIFF01459257
43. PLAINTIFF01461232
44. Exhibit 24 (Hayes), PLAINTIFF003628
45. Exhibit 26 (Hayes), PLAINTIFF003631 – PLAINTIFF003633
46. Exhibit 99 (Hatch), PLAINTIFF00243072 – PLAINTIFF00243076
47. Nevada Health Plan Co-Op Business Plan Update Pro Forma 2-27-15.xlsx, PLAINTIFF02479891
48. 06 02 2014 Membership with Group Totals, PLAINTIFFS02479857
49. 03 2015 Membership SUB DEP Mike AO 1 08 2017.xlsx, PLAINTIFF02479854
50. FS 12.15 AO 7.18.17 2015.xlsx, PLAINTIFF02479887
51. 01 01 MLR_RC_Template_NV.xlsx, PLAINTIFF02479860
52. 01 03 MLR_Template_Nevada.xlsx, PLAINTIFF02479896
53. 04 01 MLR_RC_Template_NV Re Calc.xlsx, PLAINTIFF02479855
54. 04 03 MLR_Template_NV Re Calc,xlsm, PLAINTIFF02479890
55. Indegene Healthcare, Risk Adjustment Insights for Nevada Health Co-Op, NHC_Risk_Adjustment_Insights_09252018, PLAINTIFF02479447
56. 2014 NHC Statutory Audited Financial Statements.pdf, PLAINTIFF00000422-PLAINTIFF00000465
57. Nevada Health Co-Op, Statutory Financial Statements and Independent Auditor's Report, for the Years Ended December 31, 2014 and 2013, "Larson Report" LARSON012792-LARSON012835
58. Annual Statement of the Nevada Health Co-Op, for the Year Ended December 31, 2014, NAIC Filing 2014 Annual.pdf, PLAINTIFF00000650-PLAINTIFF00000739
59. NAIC Filing 2014 Annual RBC.PDF, PLAINTIFF01461464-PLAINTIFF01461503
60. Quarterly Statement of the Nevada Health Co-Op for Quarter Ended June 30, 2015, PLAINTIFF01461664
61. Rate Change Justification, Nevada Health Co-Op, Small Group, PLAINTIFF01243706
62. Rate Change Justification, Nevada Health Co-Op, Individual, PLAINTIFF01243705
63. Expert Report of Joseph DeVito dated July 30, 2019, as submitted for service on July 30, 2019
64. Nevada Hospitality Health Co-Op Business Plan, NHH.BusinessPlan.PDF PLAINTIFF00000518 – PLAINTIFF00000563
65. Appendix F.App Exhibits, PLAINTIFF02479861
66. PDR Calculation.xlsm, PLAINTIFF02479859
67. Milliman – NHC 2015 PDR Results 7-31-2015.xlsm, PLAINTIFF02479888
68. Milliman – IBNR Model 2015-04-28.xlsm, PLAINTIFF02479894
69. Milliman Transitional Reins Calc 8760502.xlsm, PLAINTIFF02479915
70. NHC 6-year Proforma (8-13-15).xlsm, PLAINTIFF02479858
71. NHC Proforma Update 5-07-15.xlsm, PLAINTIFF02479856
72. Premium Deficiency Reserve as of June 30, 2015, PLAINTIFF00186053 – PLAINTIFF00186056
73. NVH updated Actuarial Opinion and Affirmation (May 2015), PLAINTIFF00244646 – PLAINTIFF00244649
74. Nevada Health Co-Op 2014 Statement of Actuarial Opinion, PLAINTIFF00285889 – PLAINTIFF00285893
74. Nevada Rate Filing Template v5– Individual.xlsx, PLAINTIFF02479892
75. Nevada Rate Filing Template v5– Small Group.xlsx, PLAINTIFF02479895

76. NHC Annette Comments IBNR, PLAINTIFF02479852 – PLAINTIFF02479853
77. Claim-L NHS.2014.aggregate 2 COOP IP Auth Report 01-01-14 thru 01-01-15_3.xlsx, PLAINTIFF02479889
78. Claim_M-NHS.2014.aggregate.COOP OP Auth Report 01-01-14 thru 01-01-015_3.xlsx, PLAINTIFF02479893
79. Utilization Management Service Agr, NHS000001 – NSH000100

• **Materials Reviewed by Joseph J. DeVito for Expert Report dated July 30, 2019**

1. Transcript of Deposition of Dennis Larson taken on 11/6/2018 with Exhibits
2. Transcript of Deposition of Martha Hayes taken on 12/7/2018 with Exhibits
3. Transcript of Deposition of Martha Hayes taken on 12/8/2018 with Exhibits
4. Transcript of Deposition of Kathleen Silver taken on 12/18/2018 with Exhibits
5. Transcript of Deposition of Karsten Hatch taken on 3/14/2019 with Exhibits
6. Transcript of Deposition of Karsten Hatch taken on 3/15/2019 with Exhibits
7. Transcript of Deposition of Basil Dibsie taken on 3/27/2019 with Exhibits
8. Transcript of Deposition of Basil Dibsie taken on 3/28/2019 with Exhibits
9. Transcript of Deposition of Basil Dibsie taken on 3/28/2019 (Rough)
10. Transcript of Deposition of Alex Rivlin deposition taken 12/13/2018 with Exhibits
11. Transcript of Deposition of Amanda Weitzel deposition taken 3/18/2019 with Exhibits
12. Amended Complaint (A-17-760558)
13. Answer to Amended Complaint filed by Hayes and Larson
14. Directors and Officers Answer to Amended Complaint
15. Millennium's Answer to Amended Complaint
16. UHH's Answer to Amended Complaint
17. CMS Complaint / Complaint of Declaratory Judgment
18. LARSON000001 - LARSON015896
19. PLAINTIFF00004635 – PLAINTIFF00004664
20. PLAINTIFF00004654
21. PLAINTIFF00005031 - PLAINTIFF00005032
22. PLAINTIFF00005031- PLAINTIFF00005032
23. PLAINTIFF00005033
24. PLAINTIFF00005033
25. PLAINTIFF00171787
26. PLAINTIFF00171787 - PLAINTIFF00171868
27. PLAINTIFF00181996- PLAINTIFF00181998
28. PLAINTIFF00188016 - PLAINTIFF00188021
29. PLAINTIFF00188021.0001 - PLAINTIFF00188021.0002
30. PLAINTIFF243072 - PLAINTIFF243077
31. PLAINTIFF00238775 – PLAINTIFF00238779
32. PLAINTIFF00244645 – PLAINTIFF0024649
33. PLAINTIFF00244985- PLAINTIFF00244987
34. PLAINTIFF00267523
35. PLAINTIFF00267546
36. PLAINTIFF00282660
37. PLAINTIFF00285920 – PLAINTIFF00285922
38. PLAINTIFF00286501- PLAINTIFF00286502

1	39.	PLAINTIFF00286501- PLAINTIFF00286502
2	40.	PLAINTIFF00301101 - PLAINTIFF00301107
3	41.	PLAINTIFF00301184 - PLAINTIFF00301188
4	42.	PLAINTIFF00308443-PLAINTIFF00308447
5	43.	PLAINTIFF00312847 - PLAINTIFF00312851
6	44.	PLAINTIFF00313520 - PLAINTIFF00313522
7	45.	PLAINTIFF00337508 - PLAINTIFF00337510
8	46.	PLAINTIFF00350821 - PLAINTIFF00350822
9	47.	PLAINTIFF003629
10	48.	PLAINTIFF003634 – PLAINTIFF003644
11	49.	PLAINTIFF00452851 - PLAINTIFF00452852
12	50.	PLAINTIFF481966_009
13	51.	PLAINTIFF00481965
14	52.	PLAINTIFF00482413 – PLAINTIFF00482414
15	53.	PLAINTIFF00483080 - PLAINTIFF00483082
16	54.	PLAINTIFF00483080- PLAINTIFF00483082
17	55.	PLAINTIFF00499099 – PLAINTIFF00499102
18	56.	PLAINTIFF00503015 - PLAINTIFF00503016
19	57.	PLAINTIFF00503015- PLAINTIFF00503016
20	58.	PLAINTIFF00608184 - PLAINTIFF00608185
21	59.	PLAINTIFF00861534
22	60.	PLAINTIFF00861729 - PLAINTIFF00861730
23	61.	PLAINTIFF00899492
24	62.	PLAINTIFF00908356
25	63.	PLAINTIFF00961003
26	64.	PLAINTIFF01045173 - PLAINTIFF01045176
27	65.	PLAINTIFF01244794 - PLAINTIFF01244795
28	66.	PLAINTIFF01244794- PLAINTIFF01244795
	67.	PLAINTIFF01456770 - PLAINTIFF01456775
	68.	PLAINTIFF01456776 - PLAINTIFF01456779
	69.	PLAINTIFF01456780 - PLAINTIFF01456782
	70.	PLAINTIFF01456783 - PLAINTIFF01456788
	71.	PLAINTIFF01456789 - PLAINTIFF01456795
	72.	PLAINTIFF01456796 - PLAINTIFF01456802
	73.	PLAINTIFF01456803 - PLAINTIFF01456809
	74.	PLAINTIFF01456810 - PLAINTIFF01456815
	75.	PLAINTIFF01456816- PLAINTIFF01456820
	76.	PLAINTIFF01456863- PLAINTIFF01456867
	77.	PLAINTIFF01456863- PLAINTIFF01456871
	78.	PLAINTIFF01456875- PLAINTIFF01456878
	79.	PLAINTIFF01456879- PLAINTIFF01456883
	80.	PLAINTIFF01456884- PLAINTIFF01456888
	81.	PLAINTIFF01456889- PLAINTIFF01456894
	82.	PLAINTIFF01456905- PLAINTIFF01456906
	83.	PLAINTIFF01456907- PLAINTIFF01456912
	84.	PLAINTIFF01457402 – PLAINTIFF01457944
	85.	PLAINTIFF01457023- PLAINTIFF01457028
	86.	PLAINTIFF01458621- PLAINTIFF01458625

- 1 87. PLAINTIFF01458626- PLAINTIFF01456833
- 2 88. PLAINTIFF01459241
- 3 89. PLAINTIFF01459242- PLAINTIFF01459243
- 4 90. PLAINTIFF01459257- PLAINTIFF01459258
- 5 91. PLAINTIFF01459476
- 6 92. PLAINTIFF01460930 - PLAINTIFF01460935
- 7 93. PLAINTIFF01461232- PLAINTIFF01461234
- 8 94. PLAINTIFF01461865
- 9 95. PLAINTIFF01461896 - PLAINTIFF01461897
- 10 96. PLAINTIFF01461899
- 11 97. PLAINTIFF01461927
- 12 98. PLAINTIFF01461928
- 13 99. PLAINTIFF01461932
- 14 100. PLAINTIFF01461938
- 15 101. PLAINTIFF01461943
- 16 102. PLAINTIFF01461948
- 17 103. PLAINTIFF01474428 - PLAINTIFF01474429
- 18 104. PLAINTIFF01474446 - PLAINTIFF01474447
- 19 105. PLAINTIFF01474534
- 20 106. UHH0292549
- 21 107. Expert Report of Mark A. Fish, F.S.A., M.A.A.A., submitted for service on
July 30, 2019
- 22 108. PLAINTIFF02476896
- 23 109. PLAINTIFF00037610
- 24 110. PLAINTIFF02476901
- 25 111. PLAINTIFF02476928
- 26 112. PLAINTIFF02476916
- 27 113. PLAINTIFF02476906
- 28 114. PLAINTIFF02476881
115. PLAINTIFF00130691
116. PLAINTIFF02476926
117. PLAINTIFF02476918
118. PLAINTIFF02476879
119. PLAINTIFF02476762
120. PLAINTIFF02476890
121. PLAINTIFF02476889
122. PLAINTIFF02476737
123. PLAINTIFF02424600
124. PLAINTIFF02476716
125. PLAINTIFF02476756
126. PLAINTIFF02476755
127. PLAINTIFF02476745
128. PLAINTIFF02476715
129. PLAINTIFF02476754
130. PLAINTIFF02476718
131. PLAINTIFF02476869
132. PLAINTIFF02476923
133. PLAINTIFF02476862

1	134.	PLAINTIFF02476856
2	135.	PLAINTIFF02476834
3	136.	PLAINTIFF02476816
4	137.	PLAINTIFF02476813
5	138.	PLAINTIFF02476811
6	139.	PLAINTIFF02476799
7	140.	PLAINTIFF02476790
8	141.	PLAINTIFF02476778
9	142.	PLAINTIFF02476774
10	143.	PLAINTIFF02476770
11	144.	PLAINTIFF02476768
12	145.	PLAINTIFF02476763
13	146.	PLAINTIFF02476910
14	147.	PLAINTIFF02476860
15	148.	PLAINTIFF02476857
16	149.	PLAINTIFF02476848
17	150.	PLAINTIFF02476843
18	151.	PLAINTIFF02476795
19	152.	PLAINTIFF02476915
20	153.	PLAINTIFF02476903
21	154.	PLAINTIFF02476893
22	155.	PLAINTIFF02476887
23	156.	PLAINTIFF02476873
24	157.	PLAINTIFF02476837
25	158.	PLAINTIFF02476828
26	159.	PLAINTIFF02476823
27	160.	PLAINTIFF02476820
28	161.	PLAINTIFF02476819
	162.	PLAINTIFF02476817
	163.	PLAINTIFF02476815
	164.	PLAINTIFF02476809
	165.	PLAINTIFF02476807
	166.	PLAINTIFF02476800
	167.	PLAINTIFF02476779
	168.	PLAINTIFF02476775
	169.	PLAINTIFF02476772
	170.	PLAINTIFF02476765
	171.	PLAINTIFF02476932
	172.	PLAINTIFF02476750
	173.	PLAINTIFF02476747
	174.	PLAINTIFF02476742
	175.	PLAINTIFF02476740
	176.	PLAINTIFF02476740
	177.	PLAINTIFF02476797
	178.	PLAINTIFF02476804
	179.	PLAINTIFF02476805
	180.	PLAINTIFF02476788
	181.	PLAINTIFF02476885

- 1 182. PLAINTIFF02476840
- 2 183. PLAINTIFF02476712
- 3 184. PLAINTIFF02476759
- 4 185. PLAINTIFF02476760
- 5 186. PLAINTIFF02476705
- 6 187. PLAINTIFF02476706
- 7 188. PLAINTIFF02476825
- 8 189. PLAINTIFF02476835
- 9 190. PLAINTIFF01448612
- 10 191. Dibsie Deposition Transcripts
- 11 192. Ex 149, Plaintiff 313520-313522
- 12 193. Ex 153, Plaintiff 1244794-1244795
- 13 194. Ex 87, PLAINTIFF00482413
- 14 195. Ex. 100, Larson 2824-2831
- 15 196. Ex. 102, Plaintiff 00188016-188021
- 16 197. Ex. 14, PLAINTIFF003634 – PLAINTIFF003644
- 17 198. Ex. 150, Plaintiff 312847-851.
- 18 199. Ex. 152 Plaintiff 00301101-07
- 19 200. Ex. 157, Plaintiff 00004655-4664.
- 20 201. Ex. 159, Plaintiff 00244645-00244649
- 21 202. Ex. 160, PLAINTIFF00483080 – PLAINITFF00483082
- 22 203. Ex. 27 Larson 12792-12835
- 23 204. Ex. 27, Larson 12792-12835
- 24 205. Ex. 4, Larson 00510-537
- 25 206. Ex. 44
- 26 207. Ex. 73, LARSON000001 – LARSON000030
- 27 208. Ex. 74, PLAINTIFF00512915 – PLAINTIFF00512946
- 28 209. Ex. 75, PLAINTIFF01459372 – PLAINTIFF01459431
- 29 210. Ex. 85, PLAINTIFF00481965
- 30 211. Ex. 89, PLAINTIFF00238775
- 31 212. Ex. 40, Larson 002921-2930
- 32 213. Hatch Deposition Transcript
- 33 214. IM_Rivlin_000199307
- 34 215. IM_Rivlin_000201492
- 35 216. IM_Rivlin_000201817
- 36 217. IM_Rivlin_000218359
- 37 218. IM_Rivlin_000391981
- 38 219. IM_Rivlin_000555040
- 39 220. IM_Rivlin_000624586
- 40 221. IM_Rivlin_000650062
- 41 222. Larson 001150-1164
- 42 223. NHS00000001-100
- 43 224. PLAINTIFF00000943
- 44 225. PLAINTIFF00000991
- 45 226. PLAINTIFF00000997
- 46 227. PLAINTIFF00003911
- 47 228. PLAINTIFF00003964
- 48 229. PLAINTIFF00003965

1	230.	PLAINTIFF00003967
2	231.	PLAINTIFF00003977
3	232.	PLAINTIFF00003983
4	233.	PLAINTIFF00003993
5	234.	PLAINTIFF00003998
6	235.	PLAINTIFF00004005
7	236.	PLAINTIFF00004015
8	237.	PLAINTIFF00004025
9	238.	PLAINTIFF00004028
10	239.	PLAINTIFF00004032
11	240.	PLAINTIFF00004035
12	241.	PLAINTIFF00004037
13	242.	PLAINTIFF00004042
14	243.	PLAINTIFF00004044
15	244.	PLAINTIFF00004055
16	245.	PLAINTIFF00004093
17	246.	PLAINTIFF00004119
18	247.	PLAINTIFF00004122
19	248.	PLAINTIFF00004127
20	249.	PLAINTIFF00004139
21	250.	PLAINTIFF00004145
22	251.	PLAINTIFF00004156
23	252.	PLAINTIFF00004160
24	253.	PLAINTIFF00004243
25	254.	PLAINTIFF00004248
26	255.	PLAINTIFF00004277
27	256.	PLAINTIFF00004287
28	257.	PLAINTIFF00004293
	258.	PLAINTIFF00004452
	259.	PLAINTIFF00004452
	260.	PLAINTIFF00004464
	261.	PLAINTIFF00010127
	262.	PLAINTIFF00010229
	263.	PLAINTIFF00023842
	264.	PLAINTIFF00034367
	265.	PLAINTIFF00036247
	266.	PLAINTIFF00036250
	267.	PLAINTIFF00037610
	268.	PLAINTIFF0003992
	269.	PLAINTIFF00040658
	270.	PLAINTIFF00051043
	271.	PLAINTIFF00051045
	272.	PLAINTIFF00053364
	273.	PLAINTIFF00072909
	274.	PLAINTIFF00103407
	275.	PLAINTIFF00130691
	276.	PLAINTIFF00130820
	277.	PLAINTIFF00170371

1	278.	PLAINTIFF00244985
2	279.	PLAINTIFF00282660
3	280.	PLAINTIFF00285920-22
4	281.	PLAINTIFF00307743
5	282.	PLAINTIFF00307750
6	283.	PLAINTIFF00308406
7	284.	PLAINTIFF00350821
8	285.	PLAINTIFF00350822
9	286.	PLAINTIFF00376915
10	287.	PLAINTIFF00398571
11	288.	PLAINTIFF00398575
12	289.	PLAINTIFF00398576
13	290.	PLAINTIFF00398830
14	291.	PLAINTIFF00401323
15	292.	PLAINTIFF00452851
16	293.	PLAINTIFF00452852
17	294.	PLAINTIFF00506379
18	295.	PLAINTIFF00506379
19	296.	PLAINTIFF00507139
20	297.	PLAINTIFF00522353
21	298.	PLAINTIFF00539797
22	299.	PLAINTIFF00549155
23	300.	PLAINTIFF00608184
24	301.	PLAINTIFF00608185
25	302.	PLAINTIFF00713973
26	303.	PLAINTIFF00727657
27	304.	PLAINTIFF00727942
28	305.	PLAINTIFF00731039
	306.	PLAINTIFF00731039
	307.	PLAINTIFF00731337
	308.	PLAINTIFF00814121
	309.	PLAINTIFF00861534
	310.	PLAINTIFF00861679
	311.	PLAINTIFF00861729
	312.	PLAINTIFF00861734
	313.	PLAINTIFF00880834
	314.	PLAINTIFF00899492
	315.	PLAINTIFF00908356
	316.	PLAINTIFF00947453
	317.	PLAINTIFF00961003
	318.	PLAINTIFF01003845
	319.	PLAINTIFF01043938
	320.	PLAINTIFF01043938
	321.	PLAINTIFF01045214
	322.	PLAINTIFF01045220
	323.	PLAINTIFF01048969
	324.	PLAINTIFF01048970
	325.	PLAINTIFF01054172

1	326.	PLAINTIFF0000957
2	327.	PLAINTIFF01074037
3	328.	PLAINTIFF01074037
4	329.	PLAINTIFF01337560
5	330.	PLAINTIFF01437625
6	331.	PLAINTIFF01449869
7	332.	PLAINTIFF01451494
8	333.	PLAINTIFF01456810
9	334.	PLAINTIFF01457402-944
10	335.	PLAINTIFF01457448-451
11	336.	PLAINTIFF01459476
12	337.	PLAINTIFF01460929
13	338.	PLAINTIFF01460930
14	339.	PLAINTIFF01460936
15	340.	PLAINTIFF02446736
16	341.	PLAINTIFF01460944
17	342.	PLAINTIFF01460944
18	343.	PLAINTIFF01461288
19	344.	PLAINTIFF01461813
20	345.	PLAINTIFF01461820
21	346.	PLAINTIFF01461831
22	347.	PLAINTIFF01461865
23	348.	PLAINTIFF01461896
24	349.	PLAINTIFF01461899
25	350.	PLAINTIFF01461927
26	351.	PLAINTIFF01461928
27	352.	PLAINTIFF01461932
28	353.	PLAINTIFF01461938
	354.	PLAINTIFF01461943
	355.	PLAINTIFF01461948
	356.	PLAINTIFF01462404
	357.	PLAINTIFF01474285
	358.	PLAINTIFF01474287
	359.	PLAINTIFF01474302
	360.	PLAINTIFF0147447
	361.	PLAINTIFF01474534
	362.	PLAINTIFF02424273
	363.	PLAINTIFF02424604
	364.	PLAINTIFF02424627
	365.	PLAINTIFF02424641
	366.	PLAINTIFF02424648
	367.	PLAINTIFF02424652
	368.	PLAINTIFF02470279
	369.	PLAINTIFF02468880
	370.	PLAINTIFF481966-482009
	371.	PLAINTIFFF00004289
	372.	Silver Deposition Transcript
	373.	UHH0227178

1	374.	UHH0234638
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8	381.	UHH0367007
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16	437.	UHH0368734
17	438.	UHH367963
18	439.	PLAINTIFF01456770 - PLAINTIFF01456775
19	440.	PLAINTIFF01456776 - PLAINTIFF01456779
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	469.	PLAINTIFF01456879

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471. PLAINTIFF01456889
472. PLAINTIFF01456895
473. PLAINTIFF01456901
474. PLAINTIFF01456905
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490. PLAINTIFF01459240
491. PLAINTIFF01459241
492. PLAINTIFF0149223
493. PLAINTIFF01461898
494. PLAINTIFF01461232
495. PLAINTIFF01461235
All other documents cited in report.

• **Materials Reviewed by Suzanne Schlernitzauer for Expert Report dated July 30, 2019**

1. NH0000686 - NHS0000737
2. NHS0000001 - NHS0000117
3. NHS0000223 - NHS0000394
4. NHS0000531 - NHS0000591
5. NHS0000637 - NHS0000655
6. NHS0000832 - NHS0000889
7. NHS0001192 – NHS0001295
8. PLAINTIFF00001579 - PLAINTIFF0000585
9. PLAINTIFF00010066
10. PLAINTIFF003634 - PLAINTIFF003644
11. PLAINTIFF00398830 – PLAINTIFF00398831
12. PLAINTIFF00731039 – PLAINTIFF00731040
13. PLAINTIFF00880834 – PLAINTIFF0880835
14. PLAINTIFF1457402 - PLAINTIFF1457944
15. UHH0366897 – UHH0368474
16. UHH0368006 – UHH0368008
17. UHH Payments (Excel doc), PLAINTIFF02478821

18. InsureMonkey Payments (Excel doc), PLANTIFF02478834
19. Nevada Health Solutions Payments (Excel doc), PLAINTIFF02478843
20. Deposition Transcript of Kathleen Silver, taken on December 18, 2018
21. 18579-0000854407_0003_0001, PLAINTIFF02477050 – PLAINTIFF02477052
22. 18579-0000276924, PLAINTIFF02476951
23. Expert Report of Mark A. Fish, F.S.A., M.A.A.A., submitted for service on July 30, 2019
24. Expert Report of Henry W. Osowski, submitted for service on July 30, 2019
25. PLAINTIFF02477495 – PLAINTIFF02477558
26. PLAINTIFF02477053 – PLAINTIFF02477474
27. PLAINTIFF02477559 – PLAINTIFF02478103
28. 18485 – 0000064130, PLAINTIFF014559496 – PLAINTIFF01459506
29. PLAINTIFF02476952 – PLAINTIFF02476976
30. PLAINTIFF02476977 – PLAINTIFF02476987
31. PLAINTIFF02476988 – PLAINTIFF02477046
All other documents cited in report.

• **Materials Reviewed by Henry Osowski for Expert Report dated July 30, 2019**

1 Second Amendment to Executive Services Agreement dated 7/31/2014
2 Transcript of Basil Dibsie deposition taken on 3/27/2019 with exhibits
3 Transcript of Basil Dibsie deposition taken on 3/28/2019 (Rough)
4 Transcript of Alex Rivlin deposition taken 12/13/2018 with exhibits
5 Transcript of Amanda Weitzel deposition taken 3/18/2019 with exhibits
6 IM_Rivlin_000199307
7 IM_Rivlin_000201492
8 IM_Rivlin_000201817
9 IM_Rivlin_000218359
10 IM_Rivlin_000391981
11 IM_Rivlin_000555040
12 IM_Rivlin_000624586
13 IM_Rivlin_000650062
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	194	UHH0368379
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13	197	UHH0368734
	198	UHH Payments (Excel doc), PLAINTIFF02478821
14	199	InsureMonkey Payments (Excel doc), PLAINTIFF02478834
	200	Nevada Health Solutions Payments (Excel doc), PLAINTIFF02478843
15	201	PLAINTIFF02478104 – PLAINTIFF02487115
	202	Expert Report of Mark A. Fish, F.S.A., M.A.A.A., submitted for service on
16	203	July 30, 2019
	204	PLAINTIFF02476896
17	205	PLAINTIFF00037610
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9	283	PLAINTIFF02476825
10	284	PLAINTIFF02476835
	285	PLAINTIFF01448612
11	286	Dibsie Deposition Transcripts
12	287	Ex 149, Plaintiff 313520-313522
	288	Ex 153, Plaintiff 1244794-1244795
13	289	Ex 87, PLAINTIFF00482413
	290	Ex. 100, Larson 2824-2831
14	291	Ex. 102, Plaintiff 00188016-188021
	292	Ex. 14, PLAINTIFF003634 – PLAINTIFF003644
15	293	Ex. 150, Plaintiff 312847-851.
	294	Ex. 152 Plaintiff 00301101-07
16	295	Ex. 157, Plaintiff 00004655-4664.
	296	Ex. 159, Plaintiff 00244645-00244649
17	297	Ex. 160, PLAINTIFF00483080 – PLAINTIFF00483082
18	298	Ex. 27 Larson 12792-12835
	299	Ex. 27, Larson 12792-12835
19	300	Ex. 4, Larson 00510-537
	301	Ex. 44
20	302	Ex. 73, LARSON000001 – LARSON000030
	303	Ex. 74, PLAINTIFF00512915 – PLAINTIFF00512946
21	304	Ex. 75, PLAINTIFF01459372 – PLAINTIFF01459431
	305	Ex. 85, PLAINTIFF00481965
22	306	Ex. 89, PLAINTIFF00238775
	307	Ex. 40, Larson 002921-2930
23	308	Hatch Deposition Transcript
	309	IM_Rivlin_000199307
24	310	IM_Rivlin_000201492
	311	IM_Rivlin_000201817
25	312	IM_Rivlin_000218359
	313	IM_Rivlin_000391981
26	314	IM_Rivlin_000555040
	315	IM_Rivlin_000624586

1	316	IM_Rivlin_000650062
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3	318	NHS00000001-100
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	463	PLAINTIFF02470279
3	464	PLAINTIFF02468880
	465	PLAINTIFF481966-482009
4	466	PLAINTIFFF00004289
	467	Silver Deposition Transcript
5	468	UHH0227178
	469	UHH0234638
6	470	UHH0284285
	471	UHH0292549
7	472	UHH0366897
	473	UHH0366972
8	474	UHH0366974
	475	UHH0366975
9	476	UHH0367007
	477	UHH0367009
10	478	UHH0367086
	479	UHH0367144
11	480	UHH0367145
	481	UHH0367149
12	482	UHH0367151
	483	UHH0367157
13	484	UHH0367163
	485	UHH0367167
14	486	UHH0367169
	487	UHH0367170
15	488	UHH0367172
	489	UHH0367173
16	490	UHH0367174
	491	UHH0367220
17	492	UHH0367237
	493	UHH0367240
18	494	UHH0367258
	495	UHH0367273
19	496	PLAINTIFF02479801
	497	PLAINTIFF02479810
20	498	PLAINTIFF02479805
	499	PLAINTIFF02479811
21	500	PLAINTIFF02479808
	501	PLAINTIFF02479809
22	502	PLAINTIFF02479804
	503	PLAINTIFF02479803
23	504	PLAINTIFF02479802
	505	PLAINTIFF02479806
24	506	PLAINTIFF02479807
	507	PLAINTIFF02479812

508 18579-0000236329, PLAINTIFF02476762
509 18579-000023629_0001, PLAINTIFF02476945
510 18579-0000872749, PLAINTIFF02476740
511 18579-0000277029, PLAINTIFF02476716
512 18579-0000276194, PLAINTIFF02476737
513 18579-0000860496, PLAINTIFF02476747
514 18579-0000854407_0003, PLAINTIFF02477047
515 18579-0000854407_0008, PLAINTIFF02476932
516 18579-0000854407_0008_0001, PLAINTIFF02476934
517 18579-0000288728, PLAINTIFF02476715
518 Special Deputy Receiver Damage Calculations, PLAINTIFF02479813 –
PLAINTIFF02479851
519 All other documents cited in report.

See also PLAINTIFF02479916-PLAINTIFF02484529. Additionally, Plaintiff will produce discoverable, responsive, non-privileged materials pursuant to the ESI Protocol upon receipt of appropriate search terms from UHH. Investigation and discovery is ongoing and Plaintiff reserves the right to supplement its response to this request as necessary.

REQUEST FOR PRODUCTION NO. 2:

Please produce the complete file in the possession of your expert witnesses relating in any way to this Lawsuit, including but not limited to Henry Osowski, Suzanne Schlernitzauer, Mark Fish, Joseph DeVito and Special Deputy Receiver.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

Objection: Plaintiff objects that the Special Deputy Receiver has not been disclosed as a retained expert witness pursuant to NRCP 16.1(a)(2)(B). Plaintiff objects to this request to the extent that it violates NRCP 26(b)(4), including but not limited to the extent that such request seeks drafts or protected communications between Plaintiff's counsel and retained experts, unless otherwise exempted.

Subject to, and without waiving the foregoing objections, including the General Objections noted above, see Plaintiff's Expert Reports and the SDR Draft Report, and Response to Request No. 62 above. Additionally, Plaintiff will produce discoverable, responsive, non-privileged materials pursuant to the ESI Protocol upon receipt of appropriate search terms from UHH. Investigation and

discovery is ongoing and Plaintiff reserves the right to supplement its response to this request as necessary.

REQUEST FOR PRODUCTION NO. 3:

Please produce documents relating to any expert witness you have retained and/or you intend on using at trial, whether initial, rebuttal, or non-retained, including, but not limited to, their names, resumes, curriculum vitae, engagement letters, expert reports (if any), any supporting data or information, on which their opinions or reports may rely, including but not limited to Henry Osowski, Suzanne Schlernitzauer, Mark Fish, Joseph DeVito and Special Deputy Receiver.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

Objection: vague, overbroad, unduly burdensome, and premature as to trial witnesses. This request does not comply with the ESI Protocol. Had UHH complied with the ESI Protocol, additional documents may well have been identified. Plaintiff also objects that the Special Deputy Receiver has not been disclosed as a retained expert witness pursuant to NRCP 16.1(a)(2)(B). Plaintiff has not retained any expert witnesses beyond the four experts who prepared the Expert Reports, i.e. Henry Osowski, Suzanne Schlernitzauer, Mark Fish, Joseph DeVito. Resumes of any fact witnesses, as disclosed by Plaintiff in its NRCP 16.1 disclosures and supplements thereto, whose testimony may also be deemed expert in nature, are equally available to UHH on the internet.

Subject to, and without waiving the foregoing objections, including the General Objections noted above, see Plaintiff's NRCP 16.1 disclosures and supplements thereto, as well as Plaintiff's Expert Reports, the SDR Draft Report, and Response to Request No. 62 above. Additionally, Plaintiff will produce discoverable, responsive, non-privileged materials pursuant to the ESI Protocol upon receipt of appropriate search terms from UHH. Investigation and discovery is ongoing and Plaintiff reserves the right to supplement its response to this request as necessary.

REQUEST FOR PRODUCTION NO. 4:

Please produce documents provided to anyone who performed any work which was the basis of (in whole or in part) and/or referenced or relied upon in any way in preparation of and/or in the Special Deputy Receiver Report (PLAINTIFF02479813- PLAINTIFF02479851).

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

Objection: vague, overbroad, unduly burdensome, attorney-client privilege, work product. This request does not comply with the ESI Protocol. Had UHH complied with the ESI Protocol, additional documents may well have been identified.

Subject to, and without waiving the foregoing objections, including the General Objections noted above, see Plaintiff's NRCP 16.1 disclosures and supplements thereto, as well as Plaintiff's Expert Reports, the SDR Draft Report, and Response to Request No. 62 above. Additionally, Plaintiff will produce discoverable, responsive, non-privileged materials pursuant to the ESI Protocol upon receipt of appropriate search terms from UHH. Investigation and discovery is ongoing and Plaintiff reserves the right to supplement its response to this request as necessary.

REQUEST FOR PRODUCTION NO. 5:

Please produce documents prepared by anyone who performed any work which was the basis of (in whole or in part) and/or referenced or relied upon in any way in preparation of and/or in the Special Deputy Receiver Report (PLAINTIFF02479813- PLAINTIFF02479851).

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

Objection: vague, overbroad, unduly burdensome, attorney-client privilege, work product. This request does not comply with the ESI Protocol. Had UHH complied with the ESI Protocol, additional documents may well have been identified.

Subject to, and without waiving the foregoing objections, including the General Objections noted above, see Plaintiff's NRCP 16.1 disclosures and supplements thereto, as well as Plaintiff's Expert Reports, the SDR Draft Report, and Response to Request No. 62 above. Additionally, Plaintiff will produce discoverable, responsive, non-privileged materials pursuant to the ESI Protocol upon receipt of appropriate search terms from UHH. Investigation and discovery is ongoing and Plaintiff reserves the right to supplement its response to this request as necessary.

REQUEST FOR PRODUCTION NO. 6:

Please produce documents reflecting how claims were re-adjudicated as referenced in the Special Deputy Receiver Report (PLAINTIFF02479813- PLAINTIFF02479851), including the platform used to re-adjudicate claims, the length of time it took to build the platform to re-adjudicate claims, the length of time it took to test the platform to re-adjudicate claims, the length of time it took

1 to re-adjudicate claims and the individuals involved in building, testing and re-adjudicating claims.

2 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

3 Objection: vague, overbroad, unduly burdensome, attorney-client privilege, work product,
4 and ambiguous as to “re-adjudicate.” This request does not comply with the ESI Protocol. Had UHH
5 complied with the ESI Protocol, additional documents may well have been identified. Moreover, this
6 request constitutes an interrogatory, not a request for production.

7 Subject to, and without waiving the foregoing objections, including the General Objections
8 noted above, see Plaintiff’s NRCP 16.1 disclosures and supplements thereto, as well as Plaintiff’s
9 Expert Reports, the SDR Draft Report, and Response to Request No. 62 above. Additionally, Plaintiff
10 will produce discoverable, responsive, non-privileged materials pursuant to the ESI Protocol upon
11 receipt of appropriate search terms from UHH. Investigation and discovery is ongoing and Plaintiff
12 reserves the right to supplement its response to this request as necessary.

13 **REQUEST FOR PRODUCTION NO. 7:**

14 Please produce all personnel files for anyone referenced in response to 2nd RFP Nos. 4, 5 and
15 6, including names, contact information, resumes, curriculum vitae, engagement letters, scope of
16 work, compensation and contracts.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

18 Objection: vague, overbroad, and unduly burdensome. This request does not comply with the
19 ESI Protocol. Had UHH complied with the ESI Protocol, additional documents may well have been
20 identified. This request is nonsensical as no 2nd set of RFPs exists for UHH. Moreover, this request
21 constitutes an interrogatory, not a request for production. However, Plaintiff will produce
22 discoverable, responsive, non-privileged materials pursuant to the ESI Protocol upon receipt of
23 appropriate search terms from UHH. Investigation and discovery is ongoing and Plaintiff reserves
24 the right to supplement its response to this request as necessary.

25 **REQUEST FOR PRODUCTION NO. 8:**

26 Please produce Communications between your attorney and any expert witness to the extent
27 such Communications: (1) relate to compensation for the expert’s report or testimony; (2) identify
28 facts or information that your attorney provided to any expert considered in forming the opinions to

1 be expressed; and/or (3) identify assumptions that your attorney provided and the expert relied upon
2 in forming the opinions to be expressed.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

4 Objection: This request does not comply with the ESI Protocol. Had UHH complied with the
5 ESI Protocol, additional documents may well have been identified.

6 Subject to, and without waiving the foregoing objections, including the General Objections
7 noted above, see Plaintiff's Expert Reports, the SDR Draft Report, and Response to Request No. 62
8 above. Plaintiff will produce discoverable, responsive, non-privileged materials pursuant to the ESI
9 Protocol upon receipt of appropriate search terms from UHH. Investigation and discovery is ongoing
10 and Plaintiff reserves the right to supplement its response to this request as necessary.

11 **REQUEST FOR PRODUCTION NO. 9:**

12 Please produce the documents evidencing that prior to termination, Bill Donahue conveyed
13 concerns about UHH and/or any NHC officers or Board of Directors in any way affiliated with UHH,
14 including but not limited to having conflicts of interests, "questionable contracts and other
15 transactions" and/or contracts not industry standard.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

17 Objection: vague, overbroad, unduly burdensome and attorney-client privilege. This request
18 does not comply with the ESI Protocol. Had UHH complied with the ESI Protocol, additional
19 documents may well have been identified.

20 Subject to, and without waiving the foregoing objections, including the General Objections
21 noted above, see PLAINTIFF003635-PLAINTIFF003644. Additionally, Plaintiff will produce
22 discoverable, responsive, non-privileged materials pursuant to the ESI Protocol upon receipt of
23 appropriate search terms from UHH. Investigation and discovery is ongoing and Plaintiff reserves
24 the right to supplement its response to this request as necessary.

25 **REQUEST FOR PRODUCTION NO. 10:**

26 Please produce the documents evidencing any investigation and/or evaluation of Donahue's
27 contentions and/or claims in his letter to NHC (PLAINTIFF003636-003644).

28 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

Objection: vague, overbroad, unduly burdensome, and attorney-client privilege. This request does not comply with the ESI Protocol. Had UHH complied with the ESI Protocol, additional documents may well have been identified. Plaintiff will produce discoverable, responsive, non-privileged materials pursuant to the ESI Protocol upon receipt of appropriate search terms from UHH. Investigation and discovery is ongoing and Plaintiff reserves the right to supplement its response to this request as necessary.

REQUEST FOR PRODUCTION NO. 11:

Please produce documents regarding Xerox's role and/or involvement with respect to NHC.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

Objection: vague, overbroad, unduly burdensome, and ambiguous as to "role and/or involvement." This request does not comply with the ESI Protocol. Had UHH complied with the ESI Protocol, additional documents may well have been identified. Plaintiff will produce discoverable, responsive, non-privileged materials pursuant to the ESI Protocol upon receipt of appropriate search terms from UHH. Investigation and discovery is ongoing and Plaintiff reserves the right to supplement its response to this request as necessary.

REQUEST FOR PRODUCTION NO. 12:

Please produce documents reflecting any claims asserted by NHC against Xerox and/or any related entity regarding the state exchange and issues with receiving accurate and timely membership information.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12:

Objection: vague, overbroad, and unduly burdensome. This request does not comply with the ESI Protocol. Had UHH complied with the ESI Protocol, additional documents may well have been identified. Furthermore, court documents, to the extent that they exist, are publicly available and a matter of public record. Plaintiff will produce discoverable, responsive, non-privileged materials pursuant to the ESI Protocol upon receipt of appropriate search terms from UHH. Investigation and discovery is ongoing and Plaintiff reserves the right to supplement its response to this request as necessary.

REQUEST FOR PRODUCTION NO. 13:

Please produce documents reflecting the number and identification of enrolled members NHC had for each month in 2014 and 2015.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13:

Objection: vague, overbroad, and unduly burdensome. This request does not comply with the ESI Protocol. Had UHH complied with the ESI Protocol, additional documents may well have been identified. Moreover, such information is contained within the Acuity system, which is in NHS/UHH's possession, custody, or control, which should be subject to a litigation hold, and which NHS/UHH have refused to produce.

Subject to, and without waiving the foregoing objections, including the General Objections noted above, see Plaintiff's NRCP 16.1 disclosures and supplements thereto, including the following:

PLAINTIFF01456770 - PLAINTIFF01456775

PLAINTIFF01456776 - PLAINTIFF01456779

PLAINTIFF01456780 - PLAINTIFF01456782

PLAINTIFF01456783 - PLAINTIFF01456788

PLAINTIFF01456789 - PLAINTIFF01456795

PLAINTIFF01456796 - PLAINTIFF01456802

PLAINTIFF01456803 - PLAINTIFF01456809

PLAINTIFF01456810 - PLAINTIFF01456815

PLAINTIFF01456816- PLAINTIFF01456820

PLAINTIFF01458621- PLAINTIFF01456825

PLAINTIFF01458626- PLAINTIFF01456833

PLAINTIFF01456863- PLAINTIFF01456867

PLAINTIFF01456863- PLAINTIFF01456871

PLAINTIFF01456875- PLAINTIFF01456878

PLAINTIFF01456879- PLAINTIFF01456883

PLAINTIFF01456884- PLAINTIFF01456888

PLAINTIFF01456889- PLAINTIFF01456894

PLAINTIFF01456905- PLAINTIFF01456906

1 PLAINTIFF01456907- PLAINTIFF01456912
2 PLAINTIFF01457023- PLAINTIFF01457028
3 PLAINTIFF01459241
4 PLAINTIFF01459242- PLAINTIFF01459243
5 PLAINTIFF01459257- PLAINTIFF01459258
6 PLAINTIFF01461232- PLAINTIFF01461234
7 PLAINTIFF00000422, PLAINTIFF00000477, PLAINTIFF00000484, PLAINTIFF00000650,
8 PLAINTIFF00000740, PLAINTIFF00000748, PLAINTIFF00000927, PLAINTIFF00000929,
9 PLAINTIFF00000930, PLAINTIFF00000932, PLAINTIFF00000936, PLAINTIFF00000937,
10 PLAINTIFF00000942, PLAINTIFF00001033, PLAINTIFF00001039, PLAINTIFF00001349,
11 PLAINTIFF00001383, PLAINTIFF00001401, PLAINTIFF00001402, PLAINTIFF00001445,
12 PLAINTIFF00001446, PLAINTIFF00001447, PLAINTIFF00001448, PLAINTIFF00001465,
13 PLAINTIFF00001500, PLAINTIFF00001501, PLAINTIFF00001522, PLAINTIFF00001593,
14 PLAINTIFF00001596, PLAINTIFF00001599, PLAINTIFF00001604, PLAINTIFF00001632,
15 PLAINTIFF00001769, PLAINTIFF00001770, PLAINTIFF00001774, PLAINTIFF00001798,
16 PLAINTIFF00001826, PLAINTIFF00001827, PLAINTIFF00001828, PLAINTIFF00001829,
17 PLAINTIFF00001887, PLAINTIFF00001888, PLAINTIFF00001892, PLAINTIFF00001893,
18 PLAINTIFF00001897, PLAINTIFF00001898, PLAINTIFF00001915, PLAINTIFF00001935,
19 PLAINTIFF00001936, PLAINTIFF00001963, PLAINTIFF00001964, PLAINTIFF00001965,
20 PLAINTIFF00001982, PLAINTIFF00001985, PLAINTIFF00003696, PLAINTIFF00003703,
21 PLAINTIFF00003715, PLAINTIFF00003718, PLAINTIFF00003833, PLAINTIFF00003836,
22 PLAINTIFF00003852, PLAINTIFF00003856, PLAINTIFF00003860, PLAINTIFF00003873,
23 PLAINTIFF00003899, PLAINTIFF00003908, PLAINTIFF00003911, PLAINTIFF00003962,
24 PLAINTIFF00003967, PLAINTIFF00003977, PLAINTIFF00004005, PLAINTIFF00004015,
25 PLAINTIFF00004025, PLAINTIFF00004028, PLAINTIFF00004055, PLAINTIFF00004066,
26 PLAINTIFF00004093, PLAINTIFF00004119, PLAINTIFF00004127, PLAINTIFF00004131,
27 PLAINTIFF00004134, PLAINTIFF00004289, PLAINTIFF00170502, PLAINTIFF00170505,
28 PLAINTIFF00225819, PLAINTIFF00375618, PLAINTIFF00385823, PLAINTIFF00404458,

PLAINTIFF00451639, PLAINTIFF00456719, PLAINTIFF00456744, PLAINTIFF00456749,
PLAINTIFF00456763, PLAINTIFF00456764, PLAINTIFF00456766, PLAINTIFF00581451,
PLAINTIFF00869885, PLAINTIFF00887427, PLAINTIFF01457945, PLAINTIFF01457996,
PLAINTIFF01458075, PLAINTIFF01458076, PLAINTIFF01458080, PLAINTIFF01458081,
PLAINTIFF01460970, PLAINTIFF01461226, PLAINTIFF01461229, PLAINTIFF01461405,
PLAINTIFF01461782, PLAINTIFF01461794, PLAINTIFF01461812, PLAINTIFF01461896,
PLAINTIFF01461899, PLAINTIFF01461902, PLAINTIFF01461919, PLAINTIFF01461920,
PLAINTIFF01461922, PLAINTIFF01461923, PLAINTIFF01461925, PLAINTIFF01461927,
PLAINTIFF01461928, PLAINTIFF01461932, PLAINTIFF01461933, PLAINTIFF01461936,
PLAINTIFF01461937, PLAINTIFF01461938, PLAINTIFF01461940, PLAINTIFF01461942,
PLAINTIFF01461943, PLAINTIFF01461947, PLAINTIFF01461948, PLAINTIFF01461949,
PLAINTIFF01461950, PLAINTIFF01461951, PLAINTIFF01461978, PLAINTIFF01462007,
PLAINTIFF01462036, PLAINTIFF01462038, PLAINTIFF01462041, PLAINTIFF01462044,
PLAINTIFF01462047, PLAINTIFF01462050, PLAINTIFF01462053, PLAINTIFF01462056,
PLAINTIFF01462059, PLAINTIFF01462070, PLAINTIFF01462101, PLAINTIFF01462104,
PLAINTIFF01462106, PLAINTIFF01462109, PLAINTIFF01462111, PLAINTIFF01462113,
PLAINTIFF01462117, PLAINTIFF01462130

See also Plaintiff's Expert Reports and the SDR Draft Report. Additionally, Plaintiff will produce discoverable, responsive, non-privileged materials pursuant to the ESI Protocol upon receipt of appropriate search terms from UHH. Investigation and discovery is ongoing and Plaintiff reserves the right to supplement its response to this request as necessary.

REQUEST FOR PRODUCTION NO. 14:

Please produce documents identifying all employees and/or consultants of NHC from 2013 - present who performed services related to claims processing for or on behalf of NHC including, but not limited to, their positions, titles, dates of service, dates of employment, etc.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14:

Objection: vague, overbroad, and unduly burdensome. This request does not comply with the ESI Protocol. Had UHH complied with the ESI Protocol, additional documents may well have been

1 identified. Moreover, such information is contained within the Acuity system, which is in
2 UHH/NHS's possession, custody, or control, which should be subject to a litigation hold, and which
3 UHH/NHS have refused to produce.

4 Subject to, and without waiving the foregoing objections, including the General Objections
5 noted above, see PLAINTIFF01079494, Exhibit 2 data and back-up produced as
6 PLAINTIFF01474691-PLAINTIFF02424272, as well as Acuity documents that are in NHS/UHH's
7 possession. Additionally, Plaintiff will produce discoverable, responsive, non-privileged materials
8 pursuant to the ESI Protocol upon receipt of appropriate search terms from NHS. Investigation and
9 discovery is ongoing and Plaintiff reserves the right to supplement its response to this request as
10 necessary.

11 **REQUEST FOR PRODUCTION NO. 15:**

12 Please produce documents relating to all training that was provided to each employee and/or
13 consultant of NHC who provided services for NHC within the scope of work to be performed by
14 UHH on behalf of NHC.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

16 Objection: vague, overbroad, and unduly burdensome. This request does not comply with the
17 ESI Protocol. Had UHH complied with the ESI Protocol, additional documents may well have been
18 identified. Moreover, Plaintiff objects that the request is incomprehensible as written. However,
19 Plaintiff will produce discoverable, responsive, non-privileged materials pursuant to the ESI Protocol
20 upon receipt of appropriate search terms from UHH. Investigation and discovery is ongoing and
21 Plaintiff reserves the right to supplement its response to this request as necessary.

22 **REQUEST FOR PRODUCTION NO. 16:**

23 Please produce documents reflecting the portion of claims processed by NHC.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

25 Objection: vague, overbroad, and unduly burdensome. This request does not comply with the
26 ESI Protocol. Had UHH complied with the ESI Protocol, additional documents may well have been
27 identified. Moreover, such information is contained within the Acuity system, which is in
28

1 UHH/NHS's possession, custody, or control, which should be subject to a litigation hold, and which
2 UHH/NHS have refused to produce.

3 Subject to, and without waiving the foregoing objections, including the General Objections
4 noted above, see Exhibit 2 data and back-up produced as PLAINTIFF01474691-
5 PLAINTIFF02424272, as well as Acuity documents that are in NHS/UHH's possession.
6 Additionally, Plaintiff will produce discoverable, responsive, non-privileged materials pursuant to the
7 ESI Protocol upon receipt of appropriate search terms from NHS. Investigation and discovery is
8 ongoing and Plaintiff reserves the right to supplement its response to this request as necessary.

9 **REQUEST FOR PRODUCTION NO. 17:**

10 Please produce documents reflecting the portion of the backlog of inventory that NHC personnel was
11 responsible for and/or assigned to handle.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

13 Objection: vague, overbroad, and unduly burdensome. This request does not comply with the
14 ESI Protocol. Had UHH complied with the ESI Protocol, additional documents may well have been
15 identified. Moreover, such information is contained within the Acuity system, which is in
16 UHH/NHS's possession, custody, or control, which should be subject to a litigation hold, and which
17 UHH/NHS have refused to produce.

18 Subject to, and without waiving the foregoing objections, including the General Objections
19 noted above, see Exhibit 2 data and back-up produced as PLAINTIFF01474691-
20 PLAINTIFF02424272, as well as Acuity documents that are in NHS/UHH's possession.
21 Additionally, Plaintiff will produce discoverable, responsive, non-privileged materials pursuant to the
22 ESI Protocol upon receipt of appropriate search terms from NHS. Investigation and discovery is
23 ongoing and Plaintiff reserves the right to supplement its response to this request as necessary.

24 **REQUEST FOR PRODUCTION NO. 18:**

25 Please produce documents evidencing any obligation by UHH to submit any documents,
26 including the Administrative Services Agreement and/or any licensing, to CMS.

27 **RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

1 Objection: vague, overbroad, and unduly burdensome. This request does not comply with the
2 ESI Protocol. Had UHH complied with the ESI Protocol, additional documents may well have been
3 identified.

4 Subject to, and without waiving the foregoing objections, including the General Objections
5 noted above, see Plaintiff's NRCP 16.1 disclosures and supplements thereto, including all contracts
6 entered into between UHH and NHC, as previously identified. Additionally, Plaintiff will produce
7 discoverable, responsive, non-privileged materials pursuant to the ESI Protocol upon receipt of
8 appropriate search terms from UHH. Investigation and discovery is ongoing and Plaintiff reserves
9 the right to supplement its response to this request as necessary.

10 DATED this 11th day of September, 2019.

GREENBERG TRAURIG, LLP

/s/ Donald L. Prunty

MARK E. FERRARIO, ESQ.

Nevada Bar No. 1625

ERIC W. SWANIS, ESQ.

Nevada Bar No. 6840

DONALD L. PRUNTY, ESQ.

Nevada Bar No. 8230

10845 Griffith Peak Drive, Ste. 600

Las Vegas, Nevada 89135

Counsel for Plaintiff

CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b)(2)(D) and E.D.C.R. 8.05, I hereby certify that on this 11th day of September, 2019, a true and correct copy of the foregoing **PLAINTIFF'S RESPONSES TO UNITE HERE HEALTH SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS** 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 mail.

/s/ Kimberly Frederick

An employee of GREENBERG TRAURIG, LLP

TAB 9

TAB 9

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12 *Attorneys for Defendants*
13 *UNITE HERE HEALTH AND*
NEVADA HEALTH SOLUTIONS, LLC
14

15 **DISTRICT COURT**
16 **CLARK COUNTY, NEVADA**
17

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

21 Plaintiff,

22 v.

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

Case No. A-17-760558-B
Dept. No. XVI

**DEFENDANT UNITE HERE HEALTH'S
FOURTH SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS AND
SECOND SET OF INTERROGATORIES
TO PLAINTIFF**

EGAN, an Individual; BASIL C. DIBSIE, an Individual; 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.

**DEFENDANT UNITE HERE HEALTH'S FOURTH SET OF REQUESTS
FOR PRODUCTION OF DOCUMENTS AND
SECOND SET OF INTERROGATORIES TO PLAINTIFF**

Pursuant to Rules 33 and 34 of the Nevada Rules of Civil Procedure, Defendant UNITE HERE HEALTH ("UHH") by and through its counsel of record, hereby requests Plaintiff STATE OF NEVADA, EX REL, COMMISSIONER OF INSURANCE, BARBARA D. RICHARDSON, IN HER OFFICIAL CAPACITY AS RECEIVER FOR NEVADA HEALTH Co-Op, ("Plaintiff") respond within thirty (30) days to the following Requests for Production of Documents/Interrogatories:

INSTRUCTIONS AND DEFINITIONS

The information that it sought must be given in full and in detail, under oath, whether it is secured by you, your agent, representative, attorney, or any other person who has made this knowledge known to you or from whom you can obtain this information and who is competent to testify to the facts stated.

A. Whenever the word "document" is used in these Requests, this will be liberally construed to include, without limitation, all originals, copies and duplicates of all tangible forms of electronic, graphic, photographic and phone recordings, including but not limited to information in databases, correspondence, records, reports, memoranda, invoices, contracts, statements, telegrams, cancelled checks, microfilms, photographs, tapes, discs and all other kinds of written or documentary personal property.

///

///

1 B. As used herein the term “communication” means and includes any written, oral,
2 telephonic or other inquiry, representation, discussion, conversation, agreement, understanding,
3 meeting, memorandum, letter, not , telegram, advertisement or interview.

4 C. The term “and” includes “or” and the term “or” includes “and.”

5 D. The term “including” means “including but not limited to.”

6 E. The use of the singular of any work refers, in addition, to the plural of such word,
7 and the use of the plural of any word refers, in addition, to the singular of such work.

8 F. As used herein, the terms “you,” “your,” and “yourself” refers to the answering
9 party, and, shall include each of your accountants, agents, representatives, affiliates, employees,
10 attorneys and each person acting or purporting to act on behalf of answering party.

11 G. “UHH” means Defendant UNITE HERE HEALTH, including all of its past or present
12 principals, members, employees, agents, representatives, attorneys, or other persons or entities
13 acting or purporting to act for, on behalf of, or with, all or any of them.

14 H. “Silver” means Defendant Kathleen Silver, including all of her past or present
15 agents, representatives, attorneys, or other persons or entities acting or purporting to act for, or on
16 behalf of, or with, her.

17 I. “NHC” means Nevada Health Co-Op, including all of its past or present principals,
18 members, employees, agents, representatives, attorneys, or other persons or entities acting or
19 purporting to act for, on behalf of, or with, all or any of them, including its predecessor -
20 Hospitality Health.

21 J. “NHS” means Nevada Health Solutions, LLC, including all or its past or present
22 principals, members, employees, agents, representatives, attorneys, or other persons or entities
23 acting or purporting to act for, on behalf of, or with, all or any of them.

24 K. “HHS” means the U.S. Department of Health and Human Services, including but
25 not limited to the Centers for Medicare and Medicaid Services, (“CMS”) all of its past or present
26 principals, members, employees, agents, representatives, attorneys, or other persons or entities
27 acting or purporting to act for, on behalf of, or with, all or any of them.

28

1 L. “CMS” means Centers for Medicare and Medicaid Services, an agency of HHS,
2 including all of its past or present principals, members, employees, agents, representatives,
3 attorneys, or other persons or entities acting or purporting to act for, on behalf of, or with, all or
4 any of them.

5 M. “CMS Loans” means the start-up and solvency loans provided by CMS to
6 Hospitality Health and later transferred and assumed by NHC as tried in Plaintiff’s Complaint in
7 this action.

8 N. “Larson” means Defendant Larson and Company, P.C., including all of its past or
9 present principals, members, employees, agents, representatives, attorneys, or other persons or
10 entities acting or purporting to act for, on behalf of, or with, all or any of them.

11 O. “Culinary Health Fund” means the Culinary Health Fund, as used by NHC in this
12 lawsuit.

13 P. “Nevada DOI” or “NDOI” means Nevada Division of Insurance, including all of its
14 past or present principals, members, employees, agents, representatives, attorneys, or other persons
15 or entities acting or purporting to act for, on behalf of, or with, all or any of them.

16 Q. “Defendants” means any and/or all of the defendants in this lawsuit.

17 R. If an objection is made as to the production of any requested information, or if any
18 Request is otherwise not answered in full:

- 19 (1) State the specific grounds for not answering in full;
20 (2) State the answer to the Request to the extent to which it is not objected;
21 (3) Fully identify the information, documents and/or other item for which is
22 objection is asserted; and
23 (4) If the privilege is alleged, the privilege asserted (e.g., work product,
24 attorney/client).

25 S. These Requests are deemed to continue consistent with NRCP 26(e) so as to require
26 supplemental responses if you obtain further information between the time your response is served
27 and the time of trial. Your response to these Requests must be amended if you made additional or
28 different contentions of fact which are not the same as those set forth in your response or if your

1 response ceases to be a true and complete response between the time your response is served and
2 time of trial.

3 T. Production is required consistent with the parties' ESI Protocol.

4 **FOURTH REQUESTS FOR PRODUCTION OF DOCUMENTS AND**
5 **SECOND SET OF INTERROGATORIES**

6 **REQUEST FOR PRODUCTION NO. 1:**

7 Please produce documents that reflect all creditors that have filed a notice of a claim and/or
8 have a pending claim in (i) Case No. A-15-725244-C, *STATE OF NEVADA, EX REL.*
9 *COMMISSIONER OF INSURANCE, BARBARA D. RICHARDSON, IN HER OFFICIAL CAPACITY*
10 *AS STATUTORY RECEIVER FOR DELINQUENT DOMESTIC INSURER, Plaintiff v. NEVADA*
11 *HEALTH CO-OP, Defendant*, and (ii) Case No. 18-1731-MBH, *BARBARA D. RICHARDSON, IN*
12 *HER CAPACITY AS RECEIVER OF NEVADA HEALTH CO-OP V. THE UNITED STATES* in the
13 United States Court of Federal Claims, including but not limited to, each creditor's contact
14 information, the date on which the claim or notice of claim was filed, the basis for each creditor's
15 claim, the amount of each creditor's claim and whether NHC disputes each claim.

16 **REQUEST FOR PRODUCTION NO. 2:**

17 Please produce documents that reflect a sale of NHC's interest in receivables related to Case
18 No. A-15-725244-C, *STATE OF NEVADA, EX REL. COMMISSIONER OF INSURANCE,*
19 *BARBARA D. RICHARDSON, IN HER OFFICIAL CAPACITY AS STATUTORY RECEIVER FOR*
20 *DELINQUENT DOMESTIC INSURER, Plaintiff v. NEVADA HEALTH CO-OP, Defendant,*
21 including but not limited to, the date of the sale, the amount of the sale, the conditions of the sale,
22 and any agreements relating to the sale.

23 **REQUEST FOR PRODUCTION NO. 3:**

24 Please produce documents reflecting any claims and/or demands by NHC, Plaintiff and/or
25 the SDR to the State Exchange and/or any state governmental entity relating to enrollment and/or
26 premium payments and any settlement / settlement negotiations related to same.

27 ///

28 ///

1 **INTERROGATORY NO. 28:**

2 Identify all creditors that have filed a notice of a claim and/or have a pending claim in (i)
3 Case No. A-15-725244-C, *STATE OF NEVADA, EX REL. COMMISSIONER OF INSURANCE,*
4 *BARBARA D. RICHARDSON, IN HER OFFICIAL CAPACITY AS STATUTORY RECEIVER FOR*
5 *DELINQUENT DOMESTIC INSURER, Plaintiff v. NEVADA HEALTH CO-OP, Defendant,* and (ii)
6 Case No. 18-1731-MBH, *BARBARA D. RICHARDSON, IN HER CAPACITY AS RECEIVER OF*
7 *NEVADA HEALTH CO-OP V. THE UNITED STATES* in the United States Court of Federal Claims,
8 including but not limited to, each creditor's contact information, the date on which the claim or
9 notice of claim was filed, the basis for each creditor's claim, the amount of each creditor's claim and
10 whether NHC disputes each claim.

11 **INTERROGATORY NO. 29:**

12 State whether a claim or demand was ever made by NHC, Plaintiff and/or the SDR to the
13 State Exchange and/or any state governmental entity relating to issues with enrollment and/or
14 premium payments on the Nevada State Exchange and any resulting settlement negotiations and/or
15 settlement related to same. If so, identify the date of the claim/demand, the amount, the persons
16 involved in any discussions related to the claim, demand and any settlement (proposed or
17 otherwise), and any agreement relating to a settlement (including date and signatories to
18 agreement).

19 DATED this 10th day of March, 2020.

20 BAILEY❖KENNEDY

21
22 By: /s/ Joseph A. Liebman
JOHN BAILEY
Nevada Bar No. 137
JOSEPH A. LIEBMAN
Nevada Bar No. 10125

24 SEYFARTH SHAW LLP
SUZANNA C. BONHAM
Texas Bar No. 24012307
EMMA C. MATA
Texas Bar No. 24029470

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

CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY ♦ KENNEDY and that on the 10th day of March, 2020, service of the foregoing was made by mandatory electronic service through the Eighth Judicial District 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:

<p>Mark E. Ferrario, Esq. Eric W. Swanis, Esq. Donald L. Prunty, Esq. GREENBERG TRAURIG LLP 10845 Griffith Peak Drive, Suite 600 Las Vegas, NV 89135 ferrariom@gtlaw.com swanise@gtlaw.com pruntyd@gtlaw.com</p> <p><i>Attorneys for Plaintiff</i></p>	<p>Joseph P. Garin, Esq. Angela T. Nakamura Ochoa, Esq. LIPSON NEILSON, P.C. 9900 Covington Cross Dr., Suite 120 Las Vegas, NV 89144 jgarin@lipsonneilson.com aocchoa@lipsonneilson.com</p> <p><i>Attorneys for Defendants Kathleen Silver, Bobbette Bond, Tom Zumtobel, Pam Egan, Basil Dibsie and Linda Mattoon</i></p>
<p>Kurt R. Bonds Matthew Pruitt ALVERSON TAYLOR & SANDERS 6605 Grand Montecito Parkway, Suite 200 Las Vegas, NV 89149 kbonds@alversontaylor.com</p> <p><i>Attorneys for Defendants InsureMonkey, Inc. and Alex Rivlin</i></p>	<p>Lori E. Siderman, Esq. Russell B. Brown, Esq. MEYERS McCONNELL REISZ SIDERMAN 1745 Village Center Circle Las Vegas, NV 89134 siderman@mmrs-law.com brown@mmrs-law.com</p> <p><i>Attorneys for Defendants Martha Hayes and Dennis T. Larson</i></p>

/s/ Stephanie M. Kishi
Employee of BAILEY ♦ KENNEDY

TAB 10

TAB 10

8984 SPANISH RIDGE AVENUE
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BAILEY ♦
KENNEDY
ATTORNEYS AT LAW

JOHN R. BAILEY

DIRECT DIAL
702.851.0051
JBAILEY@BAILEYKENNEDY.COM

May 28, 2020

Via U.S. Mail and Email: publicrecords@doi.nv.gov

Custodian of Records
Attn: Public Records Request
Nevada Division of Insurance
1818 East College Parkway, Suite 103
Carson City, Nevada 89706

Re: Public Records Request

To Whom It May Concern:

Pursuant to NRS 231.010 and NRS 239.0103, Unite Here Health, by and through its attorneys Bailey ♦ Kennedy, hereby makes this request for inspection or copies of the following public records:

1. Any and all records—including, but not limited to documents, communications, correspondence, transcripts, notes, and recordings—relating to the contractual relationship between Silver State Health Insurance Exchange and Xerox State Healthcare, LLC (“Xerox”).
2. Any and all records, relating to any and all communications—including, but not limited to telephonic, facsimile, electronic email, standard mail, or otherwise—that the Department of Insurance sent or received relating to the Silver State Health Insurance Exchange.
3. Any and all records relating to any and all communications—including, but not limited to telephonic, facsimile, electronic email, standard mail, or otherwise—between the Department of Insurance and Xerox.
4. Any and all records relating to any and all communications—including, but not limited to telephonic, facsimile, electronic email, standard mail, or otherwise—that the Department of Insurance sent or received relating to Xerox.
5. Any and all records relating to meetings between the Department of Insurance and Xerox—including, but not limited to notes, calendars, and day-planners.

Custodian of Records
Attn: Public Records Request
Nevada Division of Insurance
May 28, 2020
Page 2

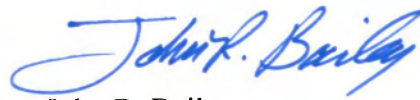
6. Any and all records relating to meetings between the Department of Insurance and the Silver State Health Insurance Exchange—including, but not limited to notes, calendars, and day-planners—regarding Xerox.
7. All materials—including, but not limited to documents, communications, correspondence, transcripts, notes, and recordings—relating to Deloitte Consulting, LLP's ("Deloitte") Assessment of Xerox.
8. Any and all records relating to any and all communications—including, but not limited to telephonic, facsimile, electronic email, standard mail, or otherwise—between the Department of Insurance and Deloitte—regarding Deloitte's Assessment of Xerox.
9. Any and all records relating to meetings between the Department of Insurance and Deloitte—including, but not limited to notes, calendars, and day-planners—regarding Deloitte's Assessment of Xerox.
10. Any and all complaints received, between January 1, 2012, and December 31, 2014, from any individuals or entities, regarding Xerox.
11. Any and all complaints received, between January 1, 2012, and December 31, 2014, from any individuals or entities, regarding the Silver State Health Insurance Exchange.

In accordance with NRS 239.0107, within five business days of the date on which you receive this request, please provide access to, or copies of, the requested records. We are willing to pay any fees associated with the production and copying of these records. If you do not have legal custody or control of the requested records, please provide us with the name and address of the government entity that does have legal custody or control of such records. *See* NRS 239.0107. If you withhold any of the requested records, please provide an explanation along with the specific exemption which you believe applies to the record in question. NRS 239.0107(1)(d).

Custodian of Records
Attn: Public Records Request
Nevada Division of Insurance
May 28, 2020
Page 3

Please do not hesitate to contact me if you have any questions. Thank you.

Sincerely,



John R. Bailey

JRB\jk

TAB 11

TAB 11

8984 SPANISH RIDGE AVENUE
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KENNEDY
ATTORNEYS AT LAW

JOHN R. BAILEY

DIRECT DIAL
702.851.0051

JBAILEY@BAILEYKENNEDY.COM

May 28, 2020

Via U.S. Mail

Office of Governor Steve Sisolak
Custodian of Records
State Capitol Building
101 North Carson Street
Carson City, Nevada 89701

Re: Public Records Request

To Whom It May Concern:

Pursuant to NRS 231.010 and NRS 239.0103, Unite Here Health, by and through its attorneys Bailey ♦ Kennedy, hereby makes this request for inspection or copies of the following public records:

1. Any and all records—including, but not limited to documents, communications, correspondence, transcripts, notes, and recordings—relating to the contractual relationship between Silver State Health Insurance Exchange and Xerox State Healthcare, LLC (“Xerox”).
2. Any and all records relating to any and all communications—including, but not limited to telephonic, facsimile, electronic email, standard mail, or otherwise—between the Governor’s Office and Xerox.
3. Any and all records relating to meetings between the Governor’s Office and Xerox—including, but not limited to notes, calendars, and day-planners.
4. All materials—including, but not limited to documents, communications, correspondence, transcripts, notes, and recordings—relating to Deloitte Consulting, LLP’s (“Deloitte”) Assessment of Xerox.
5. Any and all records relating to any and all communications—including, but not limited to telephonic, facsimile, electronic email, standard mail, or otherwise—between the Governor’s Office and Deloitte—regarding Deloitte’s Assessment of Xerox.

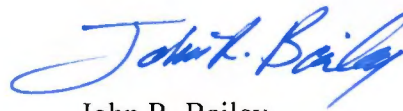
Office of Governor Steve Sisolak
Custodian of Records
May 28, 2020
Page 2

6. Any and all records relating to meetings between the Governor's Office and Deloitte—including, but not limited to notes, calendars, and day-planners—regarding Deloitte's Assessment of Xerox.
7. Any and all complaints received, between January 1, 2012, and December 31, 2014, from any individuals or entities, regarding Xerox.
8. Any and all complaints received, between January 1, 2012, and December 31, 2014, from any individuals or entities, regarding the Silver State Health Insurance Exchange.

In accordance with NRS 239.0107, within five business days of the date on which you receive this request, please provide access to, or copies of, the requested records. We are willing to pay any fees associated with the production and copying of these records. If you do not have legal custody or control of the requested records, please provide us with the name and address of the government entity that does have legal custody or control of such records. *See* NRS 239.0107. If you withhold any of the requested records, please provide an explanation along with the specific exemption which you believe applies to the record in question. NRS 239.0107(1)(d).

Please do not hesitate to contact me if you have any questions. Thank you.

Sincerely,



John R. Bailey

JRB\jk

TAB 12

TAB 12

8984 SPANISH RIDGE AVENUE
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JOHN R. BAILEY

DIRECT DIAL
702.851.0051

JBAILEY@BAILEYKENNEDY.COM

May 28, 2020

Via U.S. Mail

Custodian of Records
Attn: Public Records Request
Silver State Health Insurance Exchange
2310 South Carson Street, Suite 2
Carson City, Nevada 89701

Re: Public Records Request

To Whom it May Concern:

Pursuant to NRS 231.010 and NRS 239.0103, Unite Here Health, by and through its attorneys Bailey ♦ Kennedy, hereby makes this request for inspection or copies of the following public records:

1. All Meeting Minutes, Agendas, and Attachments from Silver State Health Insurance Exchange ("SSHIX") Board Meetings conducted between January 1, 2012, and December 31, 2014.
2. Any and all records relating to any and all SSHIX meetings—including, but not limited to notes, calendars, and day-planners—regarding Xerox State Healthcare, LLC ("Xerox").
3. A copy of Contract #13561 between SSHIX and Xerox, including all subsequent modifications and/or amendments thereto.
4. Any and all records relating to Contract #13561 and all subsequent modifications and/or amendments thereto—including, but not limited to transcripts, notes, recordings, memoranda, and documents.
5. Any and all records relating to any and all communications—including, but not limited to telephonic, facsimile, electronic email, standard mail, or otherwise—relating to Contract #13561 and any subsequent modifications and/or amendments thereto.
6. Any and all records relating to any and all communications—including, but not limited to telephonic, facsimile, electronic email, standard mail, or otherwise—relating to the contractual relationship between Xerox and SSHIX.

Custodian of Records
Attn: Public Records Request
Silver State Health Insurance Exchange
May 28, 2020
Page 2

7. A copy of Contract #15403 between SSHIX and Deloitte Consulting, LLP (“Deloitte”), including all subsequent modifications and/or amendments thereto.
8. Any and all records relating to Contract #15403 and any subsequent modifications and/or amendments thereto—including, but not limited to transcripts, notes, recordings, memoranda, and documents.
9. Any and all records relating to any and all communications—including, but not limited to telephonic, facsimile, electronic email, standard mail, or otherwise—relating to Contract #15403, including all subsequent modifications and/or amendments thereto.
10. Any and all communications—including, but not limited to telephonic, facsimile, electronic email, standard mail, or otherwise—relating to Deloitte’s Assessment of Xerox.
11. Any and all records relating to Deloitte’s Assessment of Xerox.
12. The SSHIX Fiscal and Operational Reports Created Pursuant to NRS 6951.370(1)(B), dated June and December 2014.
13. Any notes, minutes, video recordings, audio recordings, and documents generated from or created for the 2013 bi-weekly group and one-on-one meetings between Insurance Carriers, SSHIX, and Xerox.
14. Any and all records—including, but not limited to notes; minutes; video, audio, or web recordings; documents; fliers; and promotional materials—generated for or arising from any and all 2013 presentations and consultations held by SSHIX staff.
15. Any and all documents relating to the settlement of Case Nos. A-14-698567-C and A-14-706171-C.
16. Any and all records relating to any and all communications—including, but not limited to telephonic, facsimile, electronic email, standard mail, or otherwise—relating to the settlement of Case Nos. A-14-698567-C and A-14-706171-C.

Custodian of Records
Attn: Public Records Request
Silver State Health Insurance Exchange
May 28, 2020
Page 3

17. Any and all materials produced by SSHIX during discovery in Case Nos. A-14-698567-C and A-14-706171-C.
18. Any and all materials SSHIX received from other parties or third parties during discovery in Case Nos. A-14-698567-C and A-14-706171-C.
19. Any and all reports related to SSHIX's implementation of Nevada Health Link.
20. The "Timeline of Events" utilized at the March 28, 2014 Special Meeting of the Board of Examiners.
21. A copy of the informational packet provided to attendees at the March 28, 2014 Special Meeting of the Board of Examiners.
22. A copy of the PowerPoint slides utilized by Deloitte at the April 8, 2014 Board of Examiners meeting.
23. Any and all status reports provided by Deloitte to SSHIX.
24. Copies of all internal assessments conducted by Xerox.
25. Copies of all task lists created by Xerox.
26. Copies of all project plans created by Xerox.
27. Any and complaints received from any individuals and entities regarding Xerox.
28. Any and all records relating to any internal investigations, assessments, or reviews that SSHIX conducted of Xerox.
29. All documents that Deloitte generated and/or reviewed in creating its April 25, 2014 Assessment Report of Xerox, including, but not limited to:
 - a. Any and all records—including, but not limited to documents, communications, correspondence, transcripts, notes, and recordings—relating to the Code Review Meetings.

Custodian of Records
Attn: Public Records Request
Silver State Health Insurance Exchange
May 28, 2020
Page 4

- b. Any and all records—including, but not limited to documents, communications, correspondence, transcripts, notes, and recordings—relating to the 109 interviews conducted by Deloitte.
 - c. All 188 documents or categories of documents requested by and provided to Deloitte.
 - d. Any and all records—including, but not limited to documents, communications, correspondence, transcripts, notes, and recordings—relating to the Test Cases.
30. Any and all communications—including, but not limited to telephonic, facsimile, electronic email, standard mail, or otherwise—relating to the changes implemented by SSHIX in response to Deloitte's Assessment of Xerox.
31. Any and all records—including, but not limited to documents, memoranda, notes, charts, or plans of action—relating to the changes implemented by SSHIX in response to Deloitte's Assessment of Xerox.

In accordance with NRS 239.0107, within five business days of the date on which you receive this request, please provide access to, or copies of, the requested records. We are willing to pay any fees associated with the production and copying of these records. If you do not have legal custody or control of the requested records, please provide us with the name and address of the government entity that does have legal custody or control of such records. *See* NRS 239.0107. If you withhold any of the requested records, please provide an explanation along with the specific exemption which you believe applies to the record in question. NRS 239.0107(1)(d).

Please do not hesitate to contact me if you have any questions. Thank you.

Sincerely,



John R. Bailey

JRB\jk

TAB 13

TAB 13

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ATTORNEYS AT LAW

JOHN R. BAILEY

DIRECT DIAL
702.851.0051
JBAILEY@BAILEYKENNEDY.COM

May 28, 2020

Via U.S. Mail and Email: agrecordsreq@ag.nv.gov

Public Records Coordinator
Office of the Attorney General
555 East Washington Avenue, Suite 3900
Las Vegas, Nevada 89101

Re: Public Records Request

To Whom It May Concern:

Pursuant to NRS 231.010 and NRS 239.0103, Unite Here Health, by and through its attorneys Bailey ♦ Kennedy, hereby makes this request for inspection or copies of the following public records:

1. Any and all records—including, but not limited to documents, communications, correspondence, transcripts, notes, and recordings—relating to the contractual relationship between Silver State Health Insurance Exchange and Xerox State Healthcare, LLC (“Xerox”).
2. Any and all records relating to any and all communications—including, but not limited to telephonic, facsimile, electronic email, standard mail, or otherwise—between the Office of the Attorney General and Xerox.
3. Any and all records relating to meetings between the Office of the Attorney General and Xerox—including, but not limited to notes, calendars, and day-planners.
4. All materials—including, but not limited to documents, communications, correspondence, transcripts, notes, and recordings—relating to Deloitte Consulting, LLP’s (“Deloitte”) Assessment of Xerox.
5. Any and all records relating to any and all communications—including, but not limited to telephonic, facsimile, electronic email, standard mail, or otherwise—between the Office of the Attorney General and Deloitte—regarding Deloitte’s Assessment of Xerox.

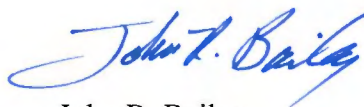
Public Records Coordinator
Office of the Attorney General
May 28, 2020
Page 2

6. Any and all records relating to meetings between the Office of the Attorney General and Deloitte—including, but not limited to notes, calendars, and day-planners—regarding Deloitte's Assessment of Xerox.
7. Any and all complaints received, between January 1, 2012, and December 31, 2014, from any individuals or entities, regarding Xerox.
8. Any and all complaints received, between January 1, 2012, and December 31, 2014, from any individuals or entities, regarding the Silver State Health Insurance Exchange.

In accordance with NRS 239.0107, within five business days of the date on which you receive this request, please provide access to, or copies of, the requested records. We are willing to pay any fees associated with the production and copying of these records. If you do not have legal custody or control of the requested records, please provide us with the name and address of the government entity that does have legal custody or control of such records. *See* NRS 239.0107. If you withhold any of the requested records, please provide an explanation along with the specific exemption which you believe applies to the record in question. NRS 239.0107(1)(d).

Please do not hesitate to contact me if you have any questions. Thank you.

Sincerely,

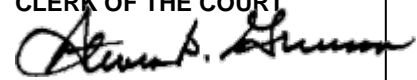


John R. Bailey

JRB\jk

TAB 14

TAB 14



CASE NO: A-20-816161-C
Department 8

COMP

MARK E. FERRARIO, ESQ.

Nevada Bar No. 01625

DONALD L. PRUNTY, ESQ.

Nevada Bar No. 08230

GLENN F. MEIER, ESQ.

Nevada Bar No. 06059

GREENBERG TRAURIG, LLP

10845 Griffith Peak Drive, Suite 600

Las Vegas, Nevada 89135

Telephone: (702) 792-3773

Facsimile: (702) 792-9002

Email: ferrariom@gtlaw.com

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.

SILVER STATE HEALTH INSURANCE
EXCHANGE,

Defendants.

CASE NO.
DEPARTMENT

COMPLAINT

ARBITRATION EXEMPTION: AMOUNT IN
EXCESS OF \$50,000

COMES NOW, Plaintiff, Barbara D. Richardson, Commissioner of Insurance in the State of Nevada, in her official capacity as Permanent Receiver of Nevada Health Co-Op ("Plaintiff" or "Commissioner"), with the Commissioner appointed in that official capacity on October 14, 2015 by the Eighth Judicial District Court, Clark County Nevada,¹ to serve as

¹ Commissioner Barbara D. Richardson has succeeded Amy L. Parks, the former Commissioner of Insurance, who was initially appointed as Receiver by the Eighth Judicial District Court.

1 the permanent receiver (“Receiver”) of the NEVADA HEALTH CO-OP (“NHC”), for the
2 benefit of NHC’s members, enrolled insureds, and creditors, and the Receiver, by and through
3 her attorneys, GREENBERG TRAURIG, LLP, and for her cause of action against Defendant
4 Silver State Health Insurance Exchange (“Defendant” or “SSHIE”) alleges as follows:

5 **PARTIES**

6 1. Plaintiff, who is the Commissioner of the Nevada Division of Insurance (the
7 “Nevada DOI”), sues in her capacity as NHC’s court-appointed Receiver, having brought this
8 action on behalf of NHC, NHC’s members, insured enrollees, and creditors.

9 2. On September 25, 2015, then acting Nevada Commissioner of Insurance, Amy
10 L. Parks filed a petition for appointment of Commissioner as Receiver and Other Permanent
11 Relief; and a Request for Injunction Pursuant to NRS 696B.270(1).

12 3. On October 1, 2015 the Eighth Judicial District Court entered an order
13 appointing the Acting Commissioner of Insurance, Amy L. Parks, as Temporary Receiver and
14 authorizing the Temporary Receiver to appoint a Special Deputy Receiver. The firm of
15 Cantilo & Bennett, L.L.P. was appointed as the Special Deputy Receiver of NHC.

16 4. Plaintiff, in her capacity as Commissioner of Insurance and as Permanent
17 Receiver of NHC, is authorized to liquidate the business of NHC and to wind up its ceased
18 operations pursuant to NRS 696B.220.2. This authority includes authorization to institute and
19 prosecute, in the name of NHC or in the Receiver’s own name, any and all suits and other
20 legal proceedings, and to prosecute any action that may exist on behalf of the members,
21 insured enrollees, or creditors of NHC against any person. NHC is, and was at all times
22 relevant hereto, a Nevada non-profit corporation.

23 5. Defendant is, and was at all times relevant hereto, an agency of the State of
24 Nevada.

25 **GENERAL ALLEGATIONS**

26 6. NHC was formed to provide health insurance to individuals and small
27 businesses under the federal Affordable Care Act (the “ACA”).

28 ///

7. NHC began writing and providing health care insurance to Nevada citizens effective as of January 1, 2014.

8. In order to provide marketplaces for individuals and small businesses to purchase healthcare insurance pursuant to the ACA, the ACA authorized states to create and operate state-based exchanges (“SBE”).

9. In 2011, the Nevada Legislature considered Senate Bill 440 (SB 440) which addressed the creation of an SBE for the State of Nevada.

10. On or about June 16, 2011, SB 440 was duly enacted into Nevada law.

11. SB 440 is codified at Chapter 695I of the Nevada Revised Statutes.

12. Pursuant to SB 440, the State of Nevada created Defendant to act as the SBE for the State of Nevada.

13. Pursuant to NRS 695I.200, Defendant was created, in part, to facilitate the purchase and sale of qualified health plans in the individual market in Nevada.

14. In furtherance of its statutory purpose, Defendant operated a website (the “Exchange”) where authorized providers of health care insurance were able to offer information about their available insurance plans to be viewed by Nevada citizens who wished to purchase health care insurance.

15. Pursuant to NRS 695I.210, Defendant was authorized to enter into contracts as needed to assist in carrying out its duty to facilitate the purchase and sale of qualified health plans in the individual market in Nevada.

16. Pursuant to its statutory authority, Defendant entered into agreements with authorized providers of health care insurance in Nevada, including, but not limited to, NHC to list health care insurance plans on the Exchange.

17. NHC, as an authorized provider of health care insurance in Nevada, was previously listed on the Exchange.

18. Nevada citizens interested in purchasing health care insurance had the option of purchasing health care insurance plans from NHC through the Exchange.

///

19. Nevada citizens who purchased a health care insurance plan from NHC through the Exchange submitted their premium payments directly to Defendant through the Exchange.

20. Defendant agreed that, after collecting the premium payments from Nevada citizens who purchased health care insurance plans from NHC, Defendant would transfer those premium payments to NHC.

21. Beginning in December of 2013 and continuing through March of 2015, Defendant collected thirteen million fifty-eight thousand six hundred eight dollars and fifteen cents (\$13,058,608.15) in premium payments from Nevada citizens who purchased health care insurance from NHC through the Exchange.

22. Defendant was obligated to transfer all premiums for health care insurance plans purchased from NHC through the Exchange to NHC.

23. Defendant only transferred twelve million five hundred forty-seven thousand nine hundred fifty-six dollars and eighty-eight cents (\$12,547,956.88) of the premiums collected for the purchase of NHC health care insurance plans through the exchange to NHC.

24. Defendant has retained five hundred ten thousand six hundred fifty-one dollars and twenty-seven cents (\$510,651.27) of premiums paid by Nevada citizens for purchase of health care insurance plans from NHC (the "Retained Premiums").

25. Defendant has no justification for retaining the Retained Premiums.

26. NHC voluntarily ceased writing new health care insurance as of August 17, 2015.

FIRST CAUSE OF ACTION - BREACH OF CONTRACT

27. Plaintiff realleges and incorporates all of the allegations contained in the preceding paragraphs as if fully set forth herein.

28. NHC and Defendant entered into a valid and binding agreement for NHC to list health care insurance plans available for purchase by Nevada citizens on the Exchange.

29. As part of the contract between the Parties, Defendant agreed to collect premium payments relating to the purchase of NHC health care insurance plans and to transfer those premium payments to NHC.

30. NHC satisfied its obligations under the contract between it and Defendant.

31. Defendant has retained premium payments due to NHC without justification.

32. As a direct and proximate result of Defendant's conduct, NHC has suffered damages in an amount in excess of fifteen thousand dollars (\$15,000).

33. Plaintiff has been required to retain the services of Greenberg Traurig, LLP to prosecute this action and is entitled to recover an award of reasonable attorney's fees and costs incurred herein.

SECOND CAUSE OF ACTION - UNJUST ENRICHMENT

34. Plaintiff realleges and incorporates all of the allegations contained in the preceding paragraphs as if fully set forth herein.

35. In the course of operating the Exchange, Defendant collected premium payments that were ultimately the property of the health care insurance providers who offered health care insurance plans to Nevada citizens on the Exchange, including NHC.

36. The Retained Premiums are rightfully the property of NHC.

37. Fundamental principles of justice and equity require the return of the Retained Premiums to Plaintiff on behalf of NHC.

38. As a direct and proximate result of Defendant's conduct, NHC has suffered damages in an amount in excess of fifteen thousand dollars (\$15,000).

39. Plaintiff has been required to retain the services of Greenberg Traurig, LLP to prosecute this action and is entitled to recover an award of reasonable attorney's fees and costs incurred herein.

THIRD CAUSE OF ACTION - CONSTRUCTIVE TRUST

40. Plaintiff realleges and incorporates all of the allegations contained in the preceding paragraphs as if fully set forth herein.

41. A confidential relationship existed between NHC and Defendant stemming from Defendant's agreement to collect premiums on behalf of NHC.

42. Defendant has not paid the Retained Premiums to NHC.

///

43. The Retained Premiums are rightfully the property of NHC and therefore the retention of the Retained Premiums by Defendant would be inequitable.

44. In order to effect justice, it is necessary for the Court to impose a constructive trust over the Retained Premiums and declare that Defendant is retaining those funds as a Trustee for NHC.

45. As a direct and proximate result of Defendant's conduct, NHC has suffered damages in an amount in excess of fifteen thousand dollars (\$15,000).

46. Plaintiff has been required to retain the services of Greenberg Traurig, LLP to prosecute this action and is entitled to recover an award of reasonable attorney's fees and costs incurred herein

PRAYER

WHEREFORE, Plaintiff prays for relief in favor of Plaintiff and against Defendant as follows:

1. For damages in an amount in excess of fifteen thousand dollars (\$15,000);
2. For pre- and post-judgment interest;
3. For all attorney fees and costs of suit;
4. For imposition of a constructive trust over the Retained Premiums; and
5. For such other and further relief as this court may deem just and proper.

DATED this 5th day of June 2020.

GREENBERG TRAURIG, LLP

By: /s/ Donald L. Prunty
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13 *UNITE HERE HEALTH AND*
NEVADA HEALTH SOLUTIONS, LLC
14

15 **DISTRICT COURT**
16 **CLARK COUNTY, NEVADA**
17

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

21 Plaintiff,

22 v.

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

Case No. A-17-760558-B
Dept. No. XVI

**DEFENDANT UNITE HERE HEALTH'S
SIXTH SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS TO
PLAINTIFF**

EGAN, an Individual; BASIL C. DIBSIE, an Individual; 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.

**DEFENDANT UNITE HERE HEALTH'S SIXTH SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS
TO PLAINTIFF**

Pursuant to Rule 34 of the Nevada Rules of Civil Procedure, Defendant UNITE HERE HEALTH ("UHH"), by and through its counsel of record, hereby requests Plaintiff STATE OF NEVADA, EX REL, COMMISSIONER OF INSURANCE, BARBARA D. RICHARDSON, IN HER OFFICIAL CAPACITY AS RECEIVER FOR NEVADA HEALTH CO-OP ("Plaintiff") respond within thirty (30) days to the following Requests for Production of documents:

INSTRUCTIONS AND DEFINITIONS

The information that is sought must be given in full and in detail, under oath, whether it is secured by you, your agent, representative, attorney, or any other person who has made this knowledge known to you or from whom you can obtain this information and who is competent to testify to the facts stated.

1. Whenever the word "document" is used in these Requests, this will be liberally construed to include, without limitation, all originals, copies and duplicates of all tangible forms of electronic, graphic, photographic and phone recordings, including but not limited to information in databases, correspondence, records, reports, memoranda, invoices, contracts, statements, telegrams, cancelled checks, microfilms, photographs, tapes, discs and all other kinds of written or documentary personal property.

2. As used herein the term "communication" means and includes any written, oral, telephonic or other inquiry, representation, discussion, conversation, agreement, understanding, meeting, memorandum, letter, note, telegram, advertisement or interview.

- 1 3. The term “and” includes “or,” and the term “or” includes “and.”
- 2 4. The term “including” means “including but not limited to.”
- 3 5. The use of the singular of any word refers, in addition, to the plural of such word,
- 4 and the use of the plural of any word refers, in addition, to the singular of such word.
- 5 6. As used herein, the terms "you," "your," and "yourself" refer to the answering party,
- 6 and, shall include each of your accountants, agents, representatives, affiliates, employees, attorneys
- 7 and each person acting or purporting to act on behalf of answering party.
- 8 7. “UHH” means Defendant UNITE HERE HEALTH, including all of its past or present
- 9 principals, members, employees, agents, representatives, attorneys, or other persons or entities
- 10 acting or purporting to act for, on behalf of, or with, all or any of them.
- 11 8. “NHC” or “Co-Op” means Nevada Health Co-Op, including all of its past or
- 12 present principals, members, employees, agents, representatives, attorneys, or other persons or
- 13 entities acting or purporting to act for, on behalf of, or with, all or any of them, including its
- 14 predecessor - Hospitality Health.
- 15 9. “NHS” means Nevada Health Solutions, LLC, including all of its past or present
- 16 principals, members, employees, agents, representatives, attorneys, or other persons or entities
- 17 acting or purporting to act for, on behalf of, or with, all or any of them.
- 18 10. “Nevada DOI” or “NDOI” means Nevada Division of Insurance, including all of its
- 19 past or present principals, members, employees, agents, representatives, attorneys, or other persons
- 20 or entities acting or purporting to act for, on behalf of, or with, all or any of them.
- 21 11. “Xerox” means Xerox Healthcare, LLC, including all of its past or present principals,
- 22 members, employees, agents, representatives, attorneys, or other persons or entities acting or
- 23 purporting to act for, on behalf of, or with, all or any of them.
- 24 12. “Defendants” means any and/or all of the defendants in this lawsuit.
- 25 13. If an objection is made as to the production of any requested information, or if any
- 26 Request is otherwise not answered in full:
 - 27 a. State the specific grounds for not answering in full;
 - 28 b. State the answer to the Request to the extent to which it is not objected;

c. Fully identify the information, documents and/or other item for which its objection is asserted; and

d. If a privilege is alleged, the privilege asserted (e.g., work product, attorney/client).

14. These Requests are deemed to continue consistent with NRCP 26(e) so as to require supplemental responses if you obtain further information between the time your response is served and the time of trial. Your response to these requests must be amended if you made additional or different contentions of fact which are not the same as those set forth in your response or if your response ceases to be a true and complete response between the time your response is served and time of trial.

15. Production is required consistent with the parties' ESI Protocol. Potential keyword search terms are bolded below.

SIXTH SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1:

Produce any and all documents which memorialize any **settlement** and/or **resolution** between Plaintiff (**NHC** and/or **NDOI**) and **Xerox** (and/or any of its affiliates, parent entities, and/or subsidiaries), including, but not limited to, **settlement agreements** and/or **release agreements**.

REQUEST FOR PRODUCTION NO. 2:

Produce any and all documents which memorialize communications by and between **NHC** (and/or **NDOI**) and **Xerox** (and/or any of its affiliates, parent entities, and/or subsidiaries) from January 1, 2012 to the present which relate, either directly or indirectly, to Xerox's performance or lack thereof as a contractor for the Silver State Health Insurance Exchange.

REQUEST FOR PRODUCTION NO. 3:

Produce a copy of the **engagement letter** (and any amendments, addendums, and/or modifications thereto) between Plaintiff (**NHC** and/or **NDOI**) and Plaintiff's legal counsel for its/her representation in this case.

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REQUEST FOR PRODUCTION NO. 4:

Produce a copy of the **engagement letter** (and any amendments, addendums, and/or modifications thereto) between Plaintiff (**NHC** and/or **NDOI**) and the **Special Deputy Receiver** for professional services in this case.

REQUEST FOR PRODUCTION NO. 5:

Produce a copy of the **engagement letter** (and any amendments, addendums, and/or modifications thereto) between Plaintiff (**NHC** and/or **NDOI**) and **Palomar Financial, LLC** for professional services in this case.

REQUEST FOR PRODUCTION NO. 6:

Produce any and all **conflict of interest waivers** that Plaintiff's counsel received from **NHC**.

REQUEST FOR PRODUCTION NO. 7:

Produce any and all **conflict of interest waivers** that Plaintiff's counsel received from **Xerox** (and/or any of its affiliates, parent entities, and/or subsidiaries).

REQUEST FOR PRODUCTION NO. 8:

Produce any and all **conflict of interest waivers** that Plaintiff's counsel received from **Valley Health System** (and/or any of its affiliates, parent entities, and/or subsidiaries).

REQUEST FOR PRODUCTION NO. 9:

Produce any and all **billing invoices** submitted by Plaintiff's (**NHC** and/or **NDOI**) **legal counsel, vendors, consultants, and/or experts** to Plaintiff (**NHC** and/or **NDOI**) following the Court's appointment of the Plaintiff as receiver with respect to **NHC**.

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REQUEST FOR PRODUCTION NO. 10:

Produce any and all correspondence from **NHC** or its counsel to **Xerox** and/or the **Governor** of the State of Nevada regarding: (1) **problems** and **issues** NHC was experiencing with the **Exchange** and/or Xerox; and/or (2) how NHC and/or its **members** have been **injured** by the Exchange and/or Xerox.

DATED this 8th day of July, 2020.

BAILEY❖KENNEDY

By: /s/ Joseph A. Liebman

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Texas Bar No. 24029470

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

CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY❖KENNEDY and that on the 8th day of July, 2020, service of the foregoing **DEFENDANT UNITE HERE HEALTH'S SIXTH SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF** was made by mandatory electronic service through the Eighth Judicial District 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:

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/s/ Sharon L. Murnane
Employee of BAILEY❖KENNEDY

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13 *UNITE HERE HEALTH AND*
NEVADA HEALTH SOLUTIONS, LLC
14

15 **DISTRICT COURT**
16 **CLARK COUNTY, NEVADA**
17

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

21 Plaintiff,

22 v.

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

Case No. A-17-760558-B
Dept. No. XVI

**DEFENDANT UNITE HERE HEALTH'S
THIRD SET OF INTERROGATORIES TO
PLAINTIFF**

EGAN, an Individual; BASIL C. DIBSIE, an Individual; 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.

**DEFENDANT UNITE HERE HEALTH'S
THIRD SET OF INTERROGATORIES TO PLAINTIFF**

Pursuant to Rule 33 of the Nevada Rules of Civil Procedure, Defendant UNITE HERE HEALTH ("UHH"), by and through its counsel of record, hereby requests Plaintiff STATE OF NEVADA, EX REL, COMMISSIONER OF INSURANCE, BARBARA D. RICHARDSON, IN HER OFFICIAL CAPACITY AS RECEIVER FOR NEVADA HEALTH Co-Op, ("Plaintiff") respond within thirty (30) days to the following Interrogatories:

INSTRUCTIONS AND DEFINITIONS

1. Information sought in these Interrogatories shall include information within the knowledge, possession, control or access of any agent, employee, attorney, or investigator (including investigators of an attorney) of Plaintiff or any person acting as Plaintiff's representative or on behalf of Plaintiff, including, but not limited to, any otherwise independent attorney, agent, or investigator.

2. The term "and" includes "or," and the term "or" includes "and."

3. The term "including" means "including but not limited to."

4. The use of the singular of any word refers, in addition, to the plural of such word, and the use of the plural of any word refers, in addition, to the singular of such word.

5. As used herein, the terms "you," "your," and "yourself" refer to the answering party, and, shall include each of your accountants, agents, representatives, affiliates, employees, attorneys, and each person acting or purporting to act on behalf of the answering party.

6. “UHH” means Defendant, UNITE HERE HEALTH, including all of its past or present principals, members, employees, agents, representatives, attorneys, or other persons or entities acting or purporting to act for, on behalf of, or with, all or any of them.

7. “NHC” means Nevada Health Co-Op, including all of its past or present principals, members, employees, agents, representatives, attorneys, or other persons or entities acting or purporting to act for, on behalf of, or with, all or any of them, including its predecessor - Hospitality Health.

8. “NHS” means Nevada Health Solutions, LLC, including all of its past or present principals, members, employees, agents, representatives, attorneys, or other persons or entities acting or purporting to act for, on behalf of, or with, all or any of them.

9. “Nevada DOI” or “NDOI” means Nevada Division of Insurance, including all of its past or present principals, members, employees, agents, representatives, attorneys, or other persons or entities acting or purporting to act for, on behalf of, or with, all or any of them.

10. “Xerox” means Xerox Healthcare, LLC, including all of its past or present principals, members, employees, agents, representatives, attorneys, or other persons or entities acting or purporting to act for, on behalf of, or with, all or any of them.

11. “Defendants” means any and/or all of the defendants in this lawsuit.

INTERROGATORY NO. 30:

Did Plaintiff, NHC and/or NDOI settle any potential claims for relief and/or causes of action against Xerox and/or any of its affiliates, parent entities, and/or subsidiaries relating to Xerox’s involvement with the Silver State Health Insurance Exchange? If so, provide:

- The date of the settlement;
- The material terms of the settlement; and
- The names of the attorneys involved in negotiating the settlement.

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1 **INTERROGATORY NO. 31:**

2 Explain why Plaintiff did not include Xerox and/or any of its affiliates, parent entities, and/or
3 subsidiaries as a defendant in this action.

4 DATED this 8th day of July, 2020.

5 BAILEY ♦ KENNEDY

6
7 By: /s/ Joseph A. Liebman

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EMMA C. MATA
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13 *Attorneys for Defendants Unite Here Health*
14 *and Nevada Health Solutions, LLC*

CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY❖KENNEDY and that on the 8th day of July, 2020, service of the foregoing **DEFENDANT UNITE HERE HEALTH'S THIRD SET OF INTERROGATORIES TO PLAINTIFF** was made by mandatory electronic service through the Eighth Judicial District 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:

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/s/ Sharon L. Murnane
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15 **DISTRICT COURT**
16 **CLARK COUNTY, NEVADA**
17

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

21 Plaintiff,

22 v.

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

Case No. A-17-760558-B
Dept. No. XVI

**DEFENDANT UNITE HERE HEALTH'S
FIRST SET OF REQUESTS FOR
ADMISSION TO PLAINTIFF**

EGAN, an Individual; BASIL C. DIBSIE, an Individual; 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.

DEFENDANT UNITE HERE HEALTH'S FIRST SET OF REQUESTS FOR ADMISSION TO PLAINTIFF

Pursuant to Rule 36 of the Nevada Rules of Civil Procedure, Defendant UNITE HERE HEALTH ("UHH") hereby requests Plaintiff STATE OF NEVADA, EX REL, COMMISSIONER OF INSURANCE, BARBARA D. RICHARDSON, IN HER OFFICIAL CAPACITY AS RECEIVER FOR NEVADA HEALTH CO-OP ("Plaintiff") respond within thirty (30) days to the following Requests for Admission.

The following Definitions and Instructions apply to each and every Request for Admission set forth herein and are incorporated by reference as though fully set forth in each and every Request.

DEFINITIONS

1. "UHH" means Defendant Unite Here Health, including all of its past or present principals, members, employees, agents, representatives, attorneys, or other persons or entities acting or purporting to act for, on behalf of, or with, all or any of them.

2. "NHC" or "Co-Op" means Nevada Health Co-Op, including all of its past or present principals, members, employees, agents, representatives, attorneys, or other persons or entities acting or purporting to act for, on behalf of, or with, all or any of them, including its predecessor – Hospitality Health, as well as the Plaintiff as its statutory receiver.

3. "NHS" means Nevada Health Solutions, LLC, including all of its past or present principals, members, employees, agents, representatives, attorneys, or other persons or entities acting or purporting to act for, on behalf of, or with, all or any of them.

1 4. “Nevada DOI” or “NDOI” means Nevada Division of Insurance, including all of its
2 past or present principals, members, employees, agents, representatives, attorneys, or other persons
3 or entities acting or purporting to act for, on behalf of, or with, all or any of them.

4 5. “Xerox” means Xerox Healthcare, LLC, including all of its past or present principals,
5 members, employees, agents, representatives, attorneys, or other persons or entities acting or
6 purporting to act for, on behalf of, or with, all or any of them.

7 6. The “Exchange” or “SSHIX” means Silver State Health Insurance Exchange,
8 including all of its past or present principals, members, employees, agents, representatives, attorneys,
9 or other persons or entities acting or purporting to act for, on behalf of, or with, all or any of them.

10 7. “Nevada Health Link” means the Exchange’s online portal created for consumers to
11 enroll in insurance coverage.

12 8. “Carriers” means health insurance carriers offering insurance plans through the
13 Exchange.

14 9. “Defendants” means any and/or all of the defendants in this lawsuit.

15 10. “YOU” and/or “YOUR” means Nevada Health Co-Op, including all of its past or
16 present principals, members, employees, agents, representatives, attorneys, or other persons or
17 entities acting or purporting to act for, on behalf of, or with, all or any of them, including its
18 predecessor – Hospitality Health, as well as the Plaintiff as its statutory receiver.

19 11. “RELATING TO,” “RELATED TO,” “RELATES TO,” “RELATES,”
20 “REFLECTS,” “REFERS,” “REFERRING TO,” “IN RELATION TO,” and/or “REFERRED TO”
21 means pertaining, concerning, regarding, depicting, memorializing, containing, constituting,
22 evidencing, demonstrating, mentioning, illustrating, describing, discussing, refuting, or contradicting
23 in any way, directly or indirectly.

24 12. The term “and” includes the term “or,” and the term “or” includes the term “and.”

25 13. When the context so requires, references to the masculine gender include the
26 feminine and neuter, and references to the feminine gender include the masculine and neuter.
27 Similarly, singular references include the plural, and plural references include the singular.

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INSTRUCTIONS

1. If YOU object to a Request for Admission, the reasons therefore shall be stated. The answer to each Request shall specifically deny the matter or set forth in detail the reasons why YOU cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that YOU qualify an answer or deny only a part of the matter for which an admission is requested, YOU shall specify so much of it as is true and qualify or deny the remainder.

2. Each Request for Admission shall be answered completely, separately, and fully.

3. If YOU claim any ambiguity in interpreting any Request for Admission, or any Definition or Instruction applicable to the Requests for Admission, YOU may not use that claim as a basis for refusing to respond to the Request, but shall respond to the Request by applying the broadest possible interpretation.

4. The Requests for Admission set forth herein are to be deemed continuing so as to require supplemental responses as specified in Rule 26(e)(1) of the Nevada Rules of Civil Procedure if YOU, or any person acting on YOUR behalf, discover, receive, or generate additional information called for by these Requests after the time of YOUR original response.

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1:

Admit that NHC began experiencing problems associated with information being transmitted to and from the Exchange and/or Nevada Health Link as early as September 2013.

REQUEST FOR ADMISSION NO. 2:

Admit that as early as September 2013, NHC was concerned that Nevada Health Link was not user-friendly and that the number of screens that had to be completed during enrollment would deter prospective members from finishing the enrollment process.

REQUEST FOR ADMISSION NO. 3:

Admit that as early as October 2013, NHC worked with other insurance Carriers and the Nevada State Governor's office to address problems that the Co-Op and other Carriers were experiencing with the Exchange and/or Nevada Health Link.

REQUEST FOR ADMISSION NO. 4:

Admit that as early as January 2014, the issues NHC and/or its members were experiencing with the Exchange and/or Nevada Health Link were so significant that the Co-Op considered refunding January 2014 premiums to its members who had been adversely affected by the Exchange and/or Nevada Health Link.

REQUEST FOR ADMISSION NO. 5:

Admit that as early as January 2014, the Exchange and/or Nevada Health Link was not communicating accurate and/or complete information to NHC about each consumer that had enrolled in NHC's plans and had paid the required premium.

REQUEST FOR ADMISSION NO. 6:

Admit that as early as January 2014, NHC began receiving calls from its members and/or consumers complaining about and/or expressing frustrations with the Exchange and/or Nevada Health Link.

REQUEST FOR ADMISSION NO. 7:

Admit that as early as January 2014, NHC was experiencing so many issues with the Exchange and/or Nevada Health Link that the Co-Op chose and/or was forced to operate under the assumption that its members were eligible for coverage so that it could ensure that the medical needs of those members were being met.

REQUEST FOR ADMISSION NO. 8:

Admit that as early as February 2014, NHC was participating in at least one meeting, if not multiple meetings, a week with the Nevada State Governor's Office, other Carriers, and/or Xerox, in an attempt to address the challenges NHC was experiencing with Xerox, the Exchange, and/or Nevada Health Link.

REQUEST FOR ADMISSION NO. 9:

Admit that as early as February 2014, Xerox had failed to provide NHC with any information regarding at least 3,000 new enrollees in NHC's plans.

REQUEST FOR ADMISSION NO. 10:

Admit that as early as February 2014, Xerox was not timely providing NHC with enrollment data or “834” electronic transmissions of enrollment data.

REQUEST FOR ADMISSION NO. 11:

Admit that as early as February 2014, Xerox was not timely providing NHC with data related to the payment of insurance premiums or “820” electronic transmission of payments data.

REQUEST FOR ADMISSION NO. 12:

Admit that as early as February 2014, Xerox was providing NHC with incomplete enrollment data or “834” electronic transmissions of enrollment data.

REQUEST FOR ADMISSION NO. 13:

Admit that as early as February 2014, Xerox was providing NHC with incomplete payment of insurance premiums data or “820” electronic transmissions of payment of insurance premium data.

REQUEST FOR ADMISSION NO. 14:

Admit that as early as February 2014, Xerox was providing NHC with inaccurate enrollment data or “834” electronic transmissions of enrollment data.

REQUEST FOR ADMISSION NO. 15:

Admit that as early as February 2014, Xerox was providing NHC with inaccurate payment of insurance premiums data or “820” electronic transmissions of payment of insurance premium data.

REQUEST FOR ADMISSION NO. 16:

Admit that in 2014, counsel for NHC sent one or more letters to Xerox and/or the Nevada State Governor’s Office regarding the issues NHC and/or its members had experienced with Xerox, the Exchange, and/or Nevada Health Link.

REQUEST FOR ADMISSION NO. 17:

Admit that in 2014, counsel for NHC sent one or more letters to Xerox and/or the Nevada State Governor’s Office regarding the harm that NHC and/or its members had suffered as a result of such issues with Xerox, the Exchange, and/or Nevada Health Link.

REQUEST FOR ADMISSION NO. 18:

Admit that by March 2014, approximately 5,200 prospective NHC members had started the enrollment process through the Exchange and/or Nevada Health Link but had been unable to complete enrollment due to the issues they encountered with the Exchange and/or Nevada Health Link.

REQUEST FOR ADMISSION NO. 19:

Admit that by May 2014, over 4,000 prospective NHC members had been unable to pay the premiums for their chosen plans due to the Exchange's and/or Nevada Health Link's system errors.

REQUEST FOR ADMISSION NO. 20:

Admit that in or around May 2014, Xerox informed NHC for the first time that over 900 of its members were delinquent in their premium payments.

REQUEST FOR ADMISSION NO. 21:

Admit that in or around May 2014, Xerox informed NHC for the first time that many of its members had been delinquent in their payments since January 2014.

REQUEST FOR ADMISSION NO. 22:

Admit that as a result of Xerox's dilatory notifications to NHC regarding delinquent and/or terminated members, NHC unnecessarily paid claims for individuals not eligible for coverage.

REQUEST FOR ADMISSION NO. 23:

Admit that as of September 2014, Xerox had not provided NHC with a complete and/or accurate list of its terminated members.

REQUEST FOR ADMISSION NO. 24:

Admit that NHC incurred excessive premium taxes as a result of Xerox's and/or the Exchange's failure to collect premiums from NHC's members and to timely terminate members who failed to pay their premiums.

REQUEST FOR ADMISSION NO. 25:

Admit that in 2014, prospective members experienced problems with the Exchange and/or Nevada Health Link which caused them to enroll in NHC's plans through brokers rather than through the Exchange and/or Nevada Health Link.

REQUEST FOR ADMISSION NO. 26:

Admit that in 2014, NHC paid higher broker commissions than anticipated largely due to more prospective members enrolling in NHC's plans through brokers than through the Exchange and/or Nevada Health Link.

REQUEST FOR ADMISSION NO. 27:

Admit that NHC incurred additional administrative costs, expenses and/or fees associated with the termination of Xerox's contract with the Exchange, the failure of the Exchange, and/or Nevada's move to the Federally Facilitated Marketplace.

REQUEST FOR ADMISSION NO. 28:

Admit that NHC incurred additional administrative costs, expenses and/or fees associated with the fact that the responsibility for direct enrollment and premium billing was added to NHC's operations after Xerox's contract with the Exchange was terminated.

REQUEST FOR ADMISSION NO. 29:

Admit that between October 2013 and May 2014, NHC was forced to commit approximately 50 percent of its resources to Xerox-related problems and/or issues.

REQUEST FOR ADMISSION NO. 30:

Admit that after the Exchange terminated its contract with Xerox, NHC experienced problems with inaccurate and/or incomplete data received from Xerox in its termination file.

REQUEST FOR ADMISSION NO. 31:

Admit that after the Exchange terminated its contract with Xerox, so many issues pervaded the Carriers' data reconciliation with Xerox that in or around April 2015, the Exchange requested that NHC and the other Carriers discontinue their reconciliation efforts and that NHC's and the other Carriers' data as of a certain date chosen by the Exchange be used as the "official record" of enrollment.

REQUEST FOR ADMISSION NO. 32:

Admit that the 2014 assessment of Xerox, the Exchange, and/or Nevada Health Link performed by Deloitte identified over 1,500 defects in the functionality of the Exchange and/or the Nevada Health Link system.

REQUEST FOR ADMISSION NO. 33:

Admit that the 2014 assessment of Xerox, the Exchange, and/or Nevada Health Link performed by Deloitte classified over 500 defects as being of “higher severity.”

REQUEST FOR ADMISSION NO. 34:

Admit that in its 2014 assessment of Xerox, the Exchange, and/or Nevada Health Link, Deloitte found that Carriers were receiving incorrect, missing, and/or inconsistent enrollment and premium payment information from Xerox and/or the Exchange.

REQUEST FOR ADMISSION NO. 35:

Admit that in its 2014 assessment of Xerox, the Exchange, and/or Nevada Health Link, Deloitte found that consistent data reconciliation issues existed between the form “834” electronic transmissions of enrollment data, the form “820” electronic submission of premium payment data, and the automated clearing house payments.

REQUEST FOR ADMISSION NO. 36:

Admit that in its 2014 assessment of Xerox, the Exchange, and/or Nevada Health Link, Deloitte found that Xerox, the Exchange, and/or Nevada Health Link’s form “834” electronic enrollment data and the form “820” electronic premium payment data files contained invalid and/or missing data.

REQUEST FOR ADMISSION NO. 37:

Admit that in its 2014 assessment of Xerox, the Exchange, and/or Nevada Health Link, Deloitte found that Xerox, the Exchange, and/or Nevada Health Link were issuing weekly correction reports to the Carriers for Cost Sharing Reduction (CSR) premium subsidy calculation errors.

REQUEST FOR ADMISSION NO. 38:

Admit that in its 2014 assessment of Xerox, the Exchange, and/or Nevada Health Link, Deloitte found that some Carriers frequently received enrollments with retroactive coverage dates throughout the open enrollment period.

REQUEST FOR ADMISSION NO. 39:

Admit that of 45 tests Deloitte performed during its 2014 assessment of Xerox, the Exchange, and/or Nevada Health Link, on enrollment processes through the Exchange's and/or Nevada Health Link's system, 33 of those tests failed.

DATED this 10th day of July, 2020.

BAILEY ♦ KENNEDY

By: /s/ Joseph A. Liebman

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CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY❖KENNEDY and that on the 10th day of July, 2020, service of the foregoing **DEFENDANT UNITE HERE HEALTH'S FIRST SET OF REQUESTS FOR ADMISSION TO PLAINTIFF** was made by mandatory electronic service through the Eighth Judicial District 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:

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TAB 18

TAB 18

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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;
LINDA MATTOON, an Individual; TOM
ZUMTOBEL, an Individual; BOBBETTE
BOND, an Individual; KATHLEEN SILVER, an
Individual; UNITE HERE HEALTH, is a multi-

CASE NO. A-17-760558-C

DEPARTMENT XVI

**PLAINTIFF'S RESPONSE TO UNITE
HERE HEALTH'S FOURTH SET OF
REQUESTS FOR PRODUCTION OF
DOCUMENTS AND SECOND SET OF
INTERROGATORIES**

employer health and welfare trust as defined in
ERISA Section 3(37); DOES I through X
inclusive; and ROE CORPORATIONS I-X,
inclusive,

Defendants.

COMES NOW 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 its counsel of record, hereby
answers Defendant UNITE HERE HEALTH'S Fourth Set of Requests for Production of Documents
and Second Set of Interrogatories as follows:

RESPONSES TO REQUESTS FOR PRODUCTION

GENERAL OBJECTIONS

In responding to these requests, Plaintiff is not admitting the relevance or appropriateness of
the requests being propounded, but rather is merely responding to such requests based on the records
and information still in existence, presently recollected, and thus far discovered in preparing these
responses.

Plaintiff reserves the right to produce at trial, and make reference to any pretrial proceedings,
any evidence, facts, documents or information not yet discovered, or the relevance and/or
responsiveness of which has not yet been identified by Plaintiff or its counsel.

By responding to this discovery, Plaintiff does not waive: (1) any objections to admissibility
of, competency of, relevancy of, materiality of, or privilege attaching to any request; or (2) the right
to object to other discovery requests or undertakings involving or relating to the subject matter of the
discovery requests herein.

Plaintiff objects to any instructions by Unite Here Health ("UHH") insofar as such instructions
purport to impose obligations on Plaintiff beyond those set forth in the Nevada Rules of Civil
Procedure.

Plaintiff objects to the requests to the extent they seek information protected by the attorney-
client privilege, the attorney work product doctrine, joint defense privilege, or any other lawfully

1 recognized privilege or immunity. Inadvertent production of any such information shall not constitute
2 a waiver of any privilege or any other ground for objecting to discovery with respect to such
3 information, or any information obtained therefrom, or with respect to the subject matter thereof. Nor
4 shall such inadvertent production waive Plaintiff's rights to object to the use of any such information,
5 or the information obtained therefrom, during any subsequent proceedings.

6 Plaintiff objects to UHH's instructions and definitions to the extent: (a) they alter and
7 therefore obscure the plain and specific meaning of many words that appear in the requests; and (b) a
8 literal application of the instructions and definitions to the requests unduly expands the scope of each
9 inquiry to include information irrelevant to this lawsuit. Therefore, to the extent that responses are
10 provided, Plaintiff will respond to each request according to the ordinary and generally accepted
11 definitions of the words used without regard to UHH's instructions and definitions, and in accordance
12 with the obligations imposed by the Nevada Rules of Civil Procedure and relevant case law.

13 Plaintiff objects to UHH's requests to the extent that they seek information of third parties,
14 the unrestricted disclosure of which might violate the rights or interests of such third parties. Plaintiff
15 further objects to these requests to the extent that they seek the disclosure of information that would
16 violate constitutional, statutory or common law privacy rights of current or former employees of
17 Plaintiff or NHC and that Plaintiff is therefore obligated to protect from disclosure; Plaintiff will not
18 produce any such documents unless and until the Court orders the disclosure of such documents or
19 information.

20 Plaintiff objects to these requests to the extent that they do not comply with the ESI protocol
21 in place for this case. If UHH had complied with the ESI protocol by providing relevant search terms,
22 additional responsive documents may have been identified and produced. Plaintiff remains willing
23 to provide search results for requests compliant with the ESI protocol.

24 No incidental or implied admissions are intended by the responses herein or by the
25 identification or production of particular documents in response to the requests. That Plaintiff has
26 identified or produced a particular document in response to a specific request does not indicate that
27 Plaintiff admits such documents contain information called for by the request. Plaintiff may identify
28 or produce documents that it merely believes may be responsive to a particular request, and Plaintiff

1 reserves the right to subsequently assert that such documents do not contain the information called
2 for by any particular request.

3 Subject to and without waiving the foregoing objections, Plaintiff issues its responses to Unite
4 Here Health's Fourth Set of Requests for Production of Documents and Second Set of Interrogatories
5 as follows:

6 **REQUEST FOR PRODUCTION NO. 1:**

7 Please produce documents that reflect all creditors that have filed a notice of a claim and/or
8 have a pending claim in (i) Case No. A-15-725244-C, STATE OF NEVADA, EX REL.
9 COMMISSIONER OF INSURANCE, BARBARA D. RICHARDSON, IN HER OFFICIAL
10 CAPACITY AS STATUTORY RECEIVER FOR DELINQUENT DOMESTIC INSURER,
11 Plaintiff v. NEVADA HEALTH CO-OP, Defendant, and (ii) Case No. 18-1731-MBH, BARBARA
12 D. RICHARDSON, IN HER CAPACITY AS RECEIVER OF NEVADA HEALTH CO-OP V. THE
13 UNITED STATES in the United States Court of Federal Claims, including but not limited to, each
14 creditor's contact information, the date on which the claim or notice of claim was filed, the basis
15 for each creditor's claim, the amount of each creditor's claim and whether NHC disputes each
16 claim.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

18 Objection: Overbroad, compound, calls for attorney client privileged communications and attorney
19 work product. Respondent also objects as to this interrogatory as the term "creditor" is ambiguous as
20 to item (ii) above. Respondent also objects in that this request is inappropriately phrased more as an
21 interrogatory than a document production request. Respondent takes no responsibility to create
22 documents in response to this request. Please note that a final determination of claims, which are
23 subordinate to provider and member insured claims, may not have been made and such subordinate
24 claims may be subject to further determination. Inclusion of claims on documents produced
25 pursuant to this request does not waive the Receiver's right to change her determination of claims
26 under applicable statutes. Subject to and without waiving the foregoing objections, NHC responds as
27 follows: For (i) see Creditor Lists at PLAINTIFF02499211 – PLAINTIFF02499213, and for (ii) see
28 Court of Claims Complaint at PLAINTIFF02499289 – PLAINTIFF02499334.

REQUEST FOR PRODUCTION NO. 2:

Please produce documents that reflect a sale of NHC's interest in receivables related to Case No. A-15-725244-C, STATE OF NEVADA, EX REL. COMMISSIONER OF INSURANCE, BARBARA D. RICHARDSON, IN HER OFFICIAL CAPACITY AS STATUTORY RECEIVER FOR DELINQUENT DOMESTIC INSURER, Plaintiff v. NEVADA HEALTH CO-OP, Defendant, including but not limited to, the date of the sale, the amount of the sale, the conditions of the sale, and any agreements relating to the sale.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

Objection: Overbroad, compound, calls for attorney client privileged communications and attorney work product. Respondent also objects as to this interrogatory as the terms "interests in receivables related to" and "reflect a sale of NHC's interest" are ambiguous. Respondent also objects in that this request is inappropriately phrased more as an interrogatory than a document production request. Respondent takes no responsibility to create documents in response to this request. Subject to and without waiving the foregoing objections, NHC responds as follows:

To the extent that this request seeks documents showing the sale of a partial interest in certain Risk Corridor receivables approved by this Court, and notwithstanding the above objections, see Prepaid Forward Purchase Agreement marked "confidential" and produced as PLAINTIFF02499216 – PLAINTIFF02499288.

REQUEST FOR PRODUCTION NO. 3:

Please produce documents reflecting any claims and/or demands by NHC, Plaintiff and/or the SDR to the State Exchange and/or any state governmental entity relating to enrollment and/or premium payments and any settlement / settlement negotiations related to same.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

Objection: Overbroad, compound, calls for documents protected by settlement privilege, attorney client privileged communications and attorney work product. Respondent also objects to this request as the terms "claims and/or demands" and "any state governmental entity" are ambiguous. Subject to and without waiving the foregoing objections, NHC responds as follows:

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See documents marked “confidential” and produced as PLAINTIFF02499214 – PLAINTIFF02499215, and PLAINTIFF 02499335-375.

RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 28

Identify all creditors that have filed a notice of a claim and/or have a pending claim in (i) Case No. A-15-725244-C, STATE OF NEVADA, EX REL. COMMISSIONER OF INSURANCE, BARBARA D. RICHARDSON, IN HER OFFICIAL CAPACITY AS STATUTORY RECEIVER FOR DELINQUENT DOMESTIC INSURER, Plaintiff v. NEVADA HEALTH CO-OP, Defendant, and (ii) Case No. 18-1731-MBH, BARBARA D. RICHARDSON, IN HER CAPACITY AS RECEIVER OF NEVADA HEALTH CO-OP V. THE UNITED STATES in the United States Court of Federal Claims, including but not limited to, each creditor’s contact information, the date on which the claim or notice of claim was filed, the basis for each creditor’s claim, the amount of each creditor’s claim and whether NHC disputes each claim.

RESPONSE TO INTERROGATORY NO. 28:

Objection: Overbroad, compound, calls for attorney client privileged communications and attorney work product. Respondent also objects as to this interrogatory as the term “creditor” is ambiguous as to item (ii) above. Furthermore, the number of interrogatories including subparts has exceeded applicable limits. Subject to and without waiving the foregoing objections, NHC responds as follows:

The claims detail for creditors that have filed a notice of claim in Case No. A-15-725244-C are set forth in the claims detail produced as PLAINTIFF02499211 – PLAINTIFF02499213. The Receiver has not yet made a final determination as to whether NHC disputes claims at this time that are subordinate in payment priority to provider and insured member claims, and these subordinate claims are subject to further adjudication by the Receiver.

For Case No. 18-1731-MBH, there are no “creditors” as the term is commonly used as the case is litigation rather than a receivership. Barbara D. Richardson, in her capacity as receiver of Nevada Health Co-Op is the sole plaintiff in the United States Court of Federal Claims case. The

Defendant United States claims it is owed monies as set forth in its motion to dismiss. The complaint has been produced in response to Request for Production No. 1 above and other case documents are available to UHH through the U.S. Court of Federal Claims. The Plaintiff may be reached through counsel's office as shown above and the United States as determined by statute and as shown in case documents.

INTERROGATORY NO. 29:

State whether a claim or demand was ever made by NHC, Plaintiff and/or the SDR to the State Exchange and/or any state governmental entity relating to issues with enrollment and/or premium payments on the Nevada State Exchange and any resulting settlement negotiations and/or settlement related to same. If so, identify the date of the claim/demand, the amount, the persons involved in any discussions related to the claim, demand and any settlement (proposed or otherwise), and any agreement relating to a settlement (including date and signatories to agreement).

RESPONSE TO INTERROGATORY NO. 29:

Objection: Overbroad, compound, calls for communications protected by settlement privilege, attorney client privileged communications and attorney work product. Respondent objects to this Interrogatory in that the terms "State Exchange", "claim or demand", "any other state governmental entity" and "any resulting settlement negotiations and/or settlement" are ambiguous as used. Furthermore, the number of interrogatories including subparts has exceeded applicable limits. Subject to and without waiving the foregoing objections, NHC responds as follows:

On or about March 29 and September 6, 2019, demands were made to the Silver State Exchange for the difference between premiums collected by the Silver State Exchange and the amounts paid by the Silver State Exchange to NHC as set forth in the letter to Ms. Korbolic included in the Response to the Request for Production No. 3. The amount of the demand was \$510,651.27. On June 8, 2020 a complaint was filed in the Eighth Judicial District of Nevada. A copy of the complaint providing further details was produced in response to Request for Production No. 3. The SDR and representatives of the Silver State Exchange including Russell Cook and Heather Korbolic have had limited and unsuccessful discussions with NHC's Special Deputy Receiver on the issue of settlement.

1 No settlement has been reached between the parties as of this date.

2 DATED this 21st day of July 2020.

3 GREENBERG TRAURIG, LLP

4 /s/ Donald L. Prunty

5 MARK E. FERRARIO, ESQ.

6 Nevada Bar No. 1625

7 ERIC W. SWANIS, ESQ.

8 Nevada Bar No. 6840

9 DONALD L. PRUNTY, ESQ.

10 Nevada Bar No. 8230

11 10845 Griffith Peak Drive, Suite 600

12 Las Vegas, Nevada 89169

13 *Counsel for Plaintiff*

VERIFICATION

STATE OF TEXAS)
) ss
COUNTY OF TRAVIS)

I, Mark F. Bennett as authorized representative of Special Deputy Receiver, on behalf of STATE OF NEVADA, EX REL, COMMISSIONER OF INSURANCE, BARBARA D. RICHARDSON, IN HER OFFICIAL CAPACITY AS RECEIVER FOR NEVADA HEALTH CO-OP, being first duly sworn, depose and state that I have read the foregoing **PLAINTIFF'S RESPONSES TO UNITE HERE HEALTH'S SECOND SET OF INTERROGATORIES**. I know the contents thereof to be true of my knowledge, except as to those matters therein stated upon information and belief, and as to those matters, I believe them to be true.

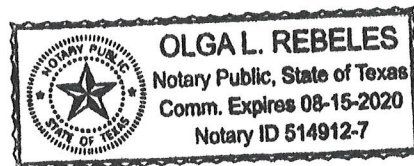


Name: Mark F. Bennett
Title: Authorized Representative of the Special
Deputy Receiver
On behalf of Plaintiff.

SUBSCRIBED and SWORN to before
me this 17th day of July, 2020.



NOTARY PUBLIC in and for
said County and State



CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of July 2020, a true and correct copy of the foregoing **PLAINTIFF'S RESPONSES TO UNITE HERE HEALTH'S FOURTH SET OF REQUESTS FOR PRODUCTION AND SECOND SET OF INTERROGATORIES** 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 U.S. Mail.

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

TAB 19

TAB 19

GREENBERG TRAURIG, LLP
10845 Griffith Peak Drive
Suite 600
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Telephone: (702) 792-3773
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RESP

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Nevada Bar No. 001625

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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.

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

CASE NO. A-17-760558-B

DEPARTMENT XVI

**PLAINTIFF'S RESPONSE TO
UNITE HERE HEALTH'S FIRST SET
OF REQUESTS FOR ADMISSIONS**

Individual; NEVADA HEALTH SOLUTIONS, LLC, a Nevada Limited Liability Company; PAMELA EGAN, an Individual; BASIL C. DIBSIE, an Individual; 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.

COMES NOW 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 its counsel of record, hereby answers Defendant UNITE HERE HEALTH'S ("UHH") First Set of Requests for Admissions as set forth below. Discovery is ongoing and Plaintiff reserves the right to supplement these responses should additional information be discovered:

GENERAL OBJECTIONS

Plaintiff has not completed its investigation and/or discovery of all facts which support claims and defenses of this action. Plaintiff therefore requests, and specifically reserves, the right to supplement its responses to these discovery requests and to provide additional information and materials as such become known and available.

Plaintiff also reserves the right to object on any ground to the use of any information provided herein in any proceeding whatsoever, and to object at any time to these or further discovery requests from UHH. Plaintiff provides its written responses below subject to the following General Objections as may be applicable to the particular discovery requests:

1. Plaintiff objects to these requests to the extent they seek information or documents not relevant to the claim or defense of any party in this action or are otherwise beyond the scope of permissible discovery.

2. Plaintiff objects to these requests to the extent they seek information or the identification or production of documents protected by the attorney-work product doctrine, the attorney-client privilege, or are otherwise privileged or protected from discovery.

3. Plaintiff objects to these requests to the extent they seek information or the identification or production of documents not known to Plaintiff, already known to UHH, or are readily ascertainable by UHH through more appropriate means.

No incidental or implied admissions are intended by the responses set forth herein. The fact that Plaintiff has objected to, or answered, any request or part thereof, or has not yet completed her response to any request or part thereof, should not be taken as an admission that Plaintiff accepts or admits the existence of any facts set forth or presupposed by such request, or that such response or objection constitutes admissible evidence. Plaintiff reserves the right to claim any privilege, confidentiality, or to raise any objection that becomes known upon further investigation or discovery. Subject to, and without waiving the foregoing objections, Plaintiff issues her responses to UNITE HERE HEALTH'S First Set of Requests for Admissions as follows:

RESPONSES TO REQUESTS FOR ADMISSIONS

REQUEST FOR ADMISSION NO. 1:

Admit that NHC began experiencing problems associated with information being transmitted to and from the Exchange and/or Nevada Health Link as early as September 2013.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 1:

Respondent objects to this request in that it is compound and does not contain an ending time parameter. Respondent objects to this interrogatory in that the terms "experiencing problems" "associated with", and "information being transmitted to and from the Exchange and/or Nevada Health Link" are ambiguous as used and Respondent is not certain what is being asked of Respondent. Notwithstanding the above, Plaintiff admits that due to the failures of the Defendants as set forth in the Amended Complaint and Plaintiff's

expert reports among other places, Defendants' failures to establish adequate computer systems, their failures to establish adequate interfaces between NHC and the Exchange, Defendants failures to reconcile information and their failures to establish adequate internal control systems, NHC experienced problems associated with properly utilizing 834 and 820 data received from the Exchange as early as September of 2013. Respondent is currently without sufficient information to further respond to this request and therefore except as stated above denies this request. Significant time remains for discovery and Respondent reserves her right to amend this response.

REQUEST FOR ADMISSION NO. 2:

Admit that as early as September 2013, NHC was concerned that Nevada Health Link was not user-friendly and that the number of screens that had to be completed during enrollment would deter prospective members from finishing the enrollment process.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 2:

Respondent objects in that the term "NHC", a corporate entity and not an individual, used in conjunction with "concerned" is ambiguous as used. Notwithstanding and without waiving such objection, the September 2013 Board of Director Minutes contain the following statement by Defendant Bond in connection with Latino enrollment: "Ms. Bond agreed and stated that the Exchange is not friendly and has too many screens." Respondent is currently without sufficient information to further respond to this request and therefore except as stated above denies this request. Significant time remains for discovery and Respondent reserves her right to amend this response.

REQUEST FOR ADMISSION NO. 3:

Admit that as early as October 2013, NHC worked with other insurance Carriers and the Nevada State Governor's office to address problems that the Co-Op and other Carriers were experiencing with the Exchange and/or Nevada Health Link.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 3:

Respondent objects to this request in that it is compound and does not contain an ending time parameter. Respondent objects to this request in that the terms "other insurance

Carriers” and “problems that the Co-Op and other Carriers were experiencing with the Exchange and/or Nevada Health Link” are ambiguous as used and Respondent is not certain as to what is being asked. Notwithstanding or waiving such objections, the October 2013 NHC Board of Directors meeting minutes contained the following statement attributed to Defendant Zumtobel. “The CO-OP and other carriers are in close contact with Jackie Bryant of the Governor’s office, and all carriers are speaking regularly to uniformly work through the issues with the Exchange.” Respondent makes no representations as to the correctness of statements in the document nor to how long, if at all, such a condition continued. Except as stated above, Respondent is currently without sufficient information to further respond to this request and therefore except as stated above denies this request. Significant time remains for discovery and Respondent reserves her right to amend this response.

REQUEST FOR ADMISSION NO. 4:

Admit that as early as January 2014, the issues NHC and/or its members were experiencing with the Exchange and/or Nevada Health Link were so significant that the Co-Op considered refunding January 2014 premiums to its members who had been adversely affected by the Exchange and/or Nevada Health Link.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 4:

Respondent objects to this request in that it is compound and does not contain an ending time parameter. Respondent objects to this request in that the terms “issues NHC and/or its members were experiencing with the Exchange and/or Nevada Health Link”, “so significant” and “members who had been adversely affected by the Exchange and/or Nevada health Link” are ambiguous as used and Respondent is left to question what facts she is being asked to admit to. Notwithstanding and without waiving the above objections, the failures of the Defendants as set forth in the Amended Complaint and Plaintiff’s expert reports among other places, Defendants’ failures to establish adequate computer systems, their failures to establish adequate interfaces between NHC and the Exchange, Defendants’ failures to reconcile information and their failures to timely process claims and to establish adequate internal control systems, created significant issues for NHC and its members. In

1 the January 2014 Board of Directors Meeting Minutes, contains the statement, “Co-op
2 leadership is considering refunding January premiums to those members impacted by the
3 State Exchange issues.” Respondent is not admitting to the accuracy of such statement.
4 Respondent is not admitting to the issue of refunding premiums was an ongoing
5 consideration. Respondent is currently without sufficient information to further respond to
6 this request and therefore except as stated above denies this request. Significant time
7 remains for discovery and Respondent reserves her right to amend this response.

8 **REQUEST FOR ADMISSION NO. 5:**

9 Admit that as early as January 2014, the Exchange and/or Nevada Health Link was
10 not communicating accurate and/or complete information to NHC about each consumer that
11 had enrolled in NHC’s plans and had paid the required premium.

12 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 5:**

13 Respondent objects to this request in that it is compound and does not contain an
14 ending time parameter. Respondent objects to this request in that the terms “accurate and/or
15 complete information” and “each consumer that had enrolled in NHC’s plans and had paid
16 the required premium” are ambiguous as used. Notwithstanding and without waiving the
17 above objections, the failures of the Defendants as set forth in the Amended Complaint and
18 Plaintiff’s expert reports among other places, Defendants’ failures to establish adequate
19 computer systems, their failures to establish adequate interfaces between NHC and the
20 Exchange, Defendants failures to reconcile information and their failures to establish
21 adequate internal control systems, created significant issues regarding the use of Exchange
22 data by NHC. In the January 2014 Board of Directors Meeting Minutes, the statement is
23 made by Defendant Zumtobel that “the State Exchange is not communicating to the CO-OP
24 every consumer that has enrolled and paid for Nevada Health CO-OP coverage” resulting
25 in “difficulties in getting ID cards out timely.” Respondent is not admitting to the accuracy
26 of such statement or that the issue existed if at all over any length of time. Respondent is
27 currently without sufficient information to further respond to this request and therefore

28 ///

1 except as stated above denies this request. Significant time remains for discovery and
2 Respondent reserves her right to amend this response.

3 **REQUEST FOR ADMISSION NO. 6:**

4 Admit that as early as January 2014, NHC began receiving calls from its members
5 and/or consumers complaining about and/or expressing frustrations with the Exchange
6 and/or Nevada Health Link.

7 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 6:**

8 Respondent objects to this request in that it is compound and contains no ending time
9 parameter. Respondent objects to this request in that the term “consumers complaining
10 about and/or expressing frustrations with the Exchange and/or Nevada Health Link” is
11 ambiguous as used. Notwithstanding and without waiving the above objections, the failures
12 of the Defendants as set forth in the Amended Complaint and Plaintiff’s expert reports
13 among other places, Defendants’ failures to establish adequate computer systems, their
14 failures to establish adequate interfaces between NHC and the Exchange, Defendants
15 failures to reconcile information, their failures in the customer center operations, their
16 failures to timely pay claims and their failures to establish adequate internal control systems,
17 created customer frustrations and complaints. In the January 2014 Board of Directors
18 Meeting Minutes, the statement is made by Defendant Egan that “members are calling in to
19 the call center frustrated with the provider list on the state exchange and with the long wait
20 times getting through to a co-op care member.” Respondent believes the long wait times
21 getting through to a co-op care member are frustrations with the customer service unit
22 operated by or in conjunction with the Defendants and not the Exchange. Respondent is not
23 admitting to what length of time, if any, the issue presented was in existence. Respondent is
24 not admitting to the accuracy of Egan’s statements. Respondent is currently without
25 sufficient information to further respond to this request and therefore except as stated above
26 denies this request. Significant time remains for discovery and Respondent reserves her right
27 to amend this response.

28 / / /

REQUEST FOR ADMISSION NO. 7:

Admit that as early as January 2014, NHC was experiencing so many issues with the Exchange and/or Nevada Health Link that the Co-Op chose and/or was forced to operate under the assumption that its members were eligible for coverage so that it could ensure that the medical needs of those members were being met.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 7:

Respondent objects to this request in that it is compound and contains no ending time parameter. Respondent objects to this request in that the terms “so many issues”, “chose and/or was forced” and “members” are ambiguous as used. Ineligible individuals are not “members”. Notwithstanding and without waiving the above objections, the failures of the Defendants as set forth in the Amended Complaint and Plaintiff’s expert reports among other places, Defendants’ failures to establish adequate computer systems, their failures to establish adequate interfaces between NHC and the Exchange, Defendants failures to reconcile information, their failures in the customer center operations and their failures to establish adequate internal control systems, created an inability for NHC to determine eligibility of each of its members and certain non-members. Respondent denies that the CO-OP was forced to operate under the assumption that its members were eligible for coverage. The Defendants should have simply performed their duties as required to determine eligibility. Respondent admits that the defendants improperly chose to pay medical service bills for uncovered persons at great cost to the CO-OP. Respondent is not admitting to what length of time, if any, the issue presented was in existence. Respondent is currently without sufficient information to further respond to this request and therefore except as stated above denies this request. Significant time remains for discovery and Respondent reserves her right to amend this response.

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REQUEST FOR ADMISSION NO. 8:

Admit that as early as February 2014, NHC was participating in at least one meeting, if not multiple meetings, a week with the Nevada State Governor's Office, other Carriers, and/or Xerox, in an attempt to address the challenges NHC was experiencing with Xerox, the Exchange, and/or Nevada Health Link.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 8:

Respondent objects to this request in that it is compound and without an ending time parameter. Respondent objects to this request in that the terms "Xerox" and "challenges NHC was experiencing" are ambiguous as used. Respondent is not certain as what facts she is being asked to admit. NHC admits that in the February 2014 board meeting minutes a reference was made attributed to Defendant Zumtobel, that he had been participating in three meetings a week with the Governor's office, the other carriers and Xerox to communicate the challenges the CO-OP was experiencing with data submission from Xerox to the CO-OP. Respondent makes no representations as to the correctness of statements in the document nor to how long if at all such meetings continued. Except as stated above, Respondent is currently without sufficient information to further respond to this request and therefore except as stated above denies this request. Significant time remains for discovery and Respondent reserves her right to amend this response.

REQUEST FOR ADMISSION NO. 9:

Admit that as early as February 2014, Xerox had failed to provide NHC with any information regarding at least 3,000 new enrollees in NHC's plans.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 9:

Respondent objects in that this requests contains no ending time parameter. Respondent objects to this request in that the terms "Xerox", "any information", "failed to provide" and "new enrollees" are ambiguous as used. Respondent is not certain as what facts the Respondent is being asked to admit. There was no contractual nexus between Xerox and NHC. Notwithstanding and without waiving such objection Respondent answers
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1 “denied”. Significant time remains for discovery and Respondent reserves her right to
2 amend this response.

3 **REQUEST FOR ADMISSION NO. 10:**

4 Admit that as early as February 2014, Xerox was not timely providing NHC with
5 enrollment data or “834” electronic transmissions of enrollment data.

6 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 10:**

7 Respondent objects to this request in that the terms “Xerox”, “timely providing”
8 “enrollment data” and ““834” electronic transmissions of enrollment data” are ambiguous
9 as used and Respondent is not certain as what facts she is being asked to admit.
10 Notwithstanding and without waiving such objections, Xerox had no contractual nexus with
11 NHC. Respondent admits that the February 2014 Board Meeting Minutes of NHC contains
12 a statement by Defendant Zumtobel that the 834’s remain being delayed getting to the CO-
13 OP. Respondent makes no representations as to the correctness of statements in the
14 document nor to how long, if at all such a condition existed. Except as stated above,
15 Respondent is currently without sufficient information to further respond to this request and
16 therefore except as stated above denies this request. Significant time remains for discovery
17 and Respondent reserves her right to amend this response.

18 **REQUEST FOR ADMISSION NO. 11:**

19 Admit that as early as February 2014, Xerox was not timely providing NHC with
20 data related to the payment of insurance premiums or “820” electronic transmission of
21 payments data.

22 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 11:**

23 Respondent objects to this request in that the terms “Xerox”, “timely providing”
24 “enrollment data” and ““820” electronic transmissions of payment data” are ambiguous as
25 used and Respondent is not certain as what facts she is being asked to admit.
26 Notwithstanding and without waiving such objection, Xerox had no contractual nexus with
27 NHC. Respondent admits that the February 2014 Board Meeting Minutes of NHC contain
28 a statement by Defendant Zumtobel that the 820’s remain being delayed getting to the CO-

1 OP. Respondent makes no representations as to the correctness of statements in the
2 document nor to how long if at all such a condition existed. Except as stated above,
3 Respondent is currently without sufficient information to further respond to this request and
4 therefore except as stated above denies this request. Significant time remains for discovery
5 and Respondent reserves her right to amend this response.

6 **REQUEST FOR ADMISSION NO. 12:**

7 Admit that as early as February 2014, Xerox was providing NHC with incomplete
8 enrollment data or “834” electronic transmissions of enrollment data.

9 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 12:**

10 Respondent objects to this request in that the terms “Xerox”, “incomplete enrollment
11 data” and ““834” electronic transmissions of enrollment data” are ambiguous as used, and
12 Respondent is not certain as what facts she is being asked to admit. Notwithstanding and
13 without waiving such objection, Xerox had no contractual nexus with NHC. Respondent
14 admits that the February 2014 Board Meeting Minutes of NHC contain a statement by
15 Defendant Zumtobel that 834 data is incomplete. Respondent makes no representations as
16 to the correctness of statements in the document nor to how long, if at all such a condition
17 existed. Except as stated above, Respondent is currently without sufficient information to
18 further respond to this request and therefore except as stated above denies this request.
19 Significant time remains for discovery and Respondent reserves her right to amend this
20 response.

21 **REQUEST FOR ADMISSION NO. 13:**

22 Admit that as early as February 2014, Xerox was providing NHC with incomplete
23 payment of insurance premiums data or “820” electronic transmissions of payment of
24 insurance premium data.

25 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 13:**

26 Respondent objects to this request in that the terms “Xerox”, “was providing”,
27 “incomplete payment of insurance premiums data” and ““820” electronic transmissions of
28 payment data” are ambiguous as used, and Respondent is not certain as what facts she is

1 being asked to admit. Notwithstanding and without waiving such objection, Xerox had no
2 contractual nexus with NHC. Respondent admits that the February 2014 Board Meeting
3 Minutes of NHC contain a statement by Defendant Zumtobel that 820 data is delayed.
4 Respondent makes no representations as to the correctness of statements in the document
5 nor to how long if at all such a condition existed. Except as stated above, Respondent is
6 currently without sufficient information to further respond to this request and therefore
7 except as stated above denies this request. Significant time remains for discovery and
8 Respondent reserves her right to amend this response.

9 **REQUEST FOR ADMISSION NO. 14:**

10 Admit that as early as February 2014, Xerox was providing NHC with inaccurate
11 enrollment data or “834” electronic transmissions of enrollment data.

12 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 14:**

13 Respondent objects to this request in that the terms “Xerox”, “inaccurate enrollment
14 data” and ““834” electronic transmissions of enrollment data” are ambiguous as used, and
15 Respondent is not certain as what facts she is being asked to admit. Notwithstanding and
16 without waiving such objection, Xerox had no contractual nexus with NHC. Respondent is
17 currently without sufficient information to further respond to this request and therefore
18 except as stated above denies this request. Significant time remains for discovery and
19 Respondent reserves her right to amend this response.

20 **REQUEST FOR ADMISSION NO. 15:**

21 Admit that as early as February 2014, Xerox was providing NHC with inaccurate
22 payment of insurance premiums data or “820” electronic transmissions of payment of
23 insurance premium data.

24 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 15:**

25 Respondent objects to this request in that the terms “Xerox”, “was providing”
26 “inaccurate payment of insurance premiums data” and ““820” electronic transmissions of
27 payment data” are ambiguous as used, and Respondent is not certain as what facts she is
28 being asked to admit. Notwithstanding and without waiving such objection, Xerox had no

1 contractual nexus with NHC. Except as stated above, Respondent is currently without
2 sufficient information to further respond to this request and therefore except as stated above
3 denies this request. Significant time remains for discovery and Respondent reserves her right
4 to amend this response.

5 **REQUEST FOR ADMISSION NO. 16:**

6 Admit that in 2014, counsel for NHC sent one or more letters to Xerox and/or the
7 Nevada State Governor's Office regarding the issues NHC and/or its members had
8 experienced with Xerox, the Exchange, and/or Nevada Health Link.

9 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 16:**

10 Respondent objects to this request in that the term "sent", "Xerox" and "such issues
11 with Xerox, the Exchange, and/or Nevada Health Link" are ambiguous as used.
12 Notwithstanding the above objections, Respondent admits that a letter was sent to Governor
13 Brian Sandoval and Xerox State Healthcare, LLC on or about February 24, 2014 on NHC
14 letterhead that was signed by Defendant Zumtobel. Respondent is not aware of who
15 transmitted the letter. Respondent states that the document contains what the document
16 contains and the document speaks for itself. Respondent makes no representations as to the
17 correctness of statements in the document. Except as stated above respondent denies this
18 request. Significant time remains for discovery and Respondent reserves her right to amend
19 this response.

20 **REQUEST FOR ADMISSION NO. 17:**

21 Admit that in 2014, counsel for NHC sent one or more letters to Xerox and/or the
22 Nevada State Governor's Office regarding the harm that NHC and/or its members had
23 suffered as a result of such issues with Xerox, the Exchange, and/or Nevada Health Link.

24 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 17:**

25 Respondent objects to this request in that the terms "sent", "Xerox" and "had suffered
26 as a result of such issues with Xerox, the Exchange, and/or the Nevada Health Link" are
27 ambiguous as used. Notwithstanding the above objections, Respondent admits that a letter
28 was sent to Governor Brian Sandoval and Xerox State Healthcare, LLC on or about February

24, 2014 on NHC letterhead that was signed by Defendant Zumtobel. Respondent is not aware of who transmitted the letter. Respondent states that the document contains what the document contains and the document speaks for itself. Respondent makes no representations as to the correctness of statements in the document. Except as stated above respondent is without sufficient information to respond to this request and therefore denies this request.

REQUEST FOR ADMISSION NO. 18:

Admit that by March 2014, approximately 5,200 prospective NHC members had started the enrollment process through the Exchange and/or Nevada Health Link but had been unable to complete enrollment due to the issues they encountered with the Exchange and/or Nevada Health Link.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 18:

Defendant objects to this request in that the terms "prospective NHC members, "unable to" and "due to the issues they encountered with the Exchange and/or Nevada Health Link" are ambiguous as used. Notwithstanding and without waiving the above, Respondent states that the March 2014 board of directors meeting minutes contains the statement that "Ms. Harris informed the Board the State has not given the CO-OP access to the current data on the 5,200 consumers on the pending list from the Exchange because the sign and submit part of the process was not completed whereby the consumer would have affirmed they're willing to abide by exchange rules." Respondent states that the document contains what the document contains and the document speaks for itself. Respondent makes no representations as to the correctness of statements in the document nor for how long such a condition, if it existed, continued. Except as stated above respondent is without sufficient information to respond to this request and therefore denies this request. Significant time remains for discovery and Respondent reserves her right to amend this response.

REQUEST FOR ADMISSION NO. 19:

Admit that by May 2014, over 4,000 prospective NHC members had been unable to pay the premiums for their chosen plans due to the Exchange's and/or Nevada Health Link's system errors.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 19:

Respondent objects to this request in that the terms “prospective NHC Members” and “due to the Exchange’s and/or Nevada Health Link’s system errors” are ambiguous as used. Notwithstanding and without waiving the above objection, Respondent responds that in the May 23, 2014 Board Minutes of NHC, there is a statement from Defendant Zumtobel that there are over 4,000 consumers wanting to pay their premiums but are unable to do so due to the system errors with Xerox. This figure appears to be related to the entire Exchange and not to NHC in particular. Furthermore, it reads that Xerox states that there are no appeals on record. Respondent makes no representations as to the correctness of statements in the document nor for how long such a condition, if it existed, continued. Respondent is without sufficient information to further respond to this request and therefore denies this request except as stated above. Significant time remains for discovery and Respondent reserves her right to amend this response.

REQUEST FOR ADMISSION NO. 20:

Admit that in or around May 2014, Xerox informed NHC for the first time that over 900 of its members were delinquent in their premium payments.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 20:

Respondent objects to this request in that the terms “Xerox” and “members” are ambiguous as used leaving Respondent to question what facts that she is being asked to respond to. Notwithstanding and without waiving such objections the May 23, 2014 Board Minutes contain the following statement apparently made by Defendant Zumtobel that the Exchanges most recent delinquency report listed over 900 members. It is not clear what portion of the 900 members relate to what time period and it is appropriate for the Exchange to notify NCH of delinquent members. The defendants had a duty to reconcile its records to those of the exchange and failure to do so was the cause of a significant amount of damages to NHC. Respondent makes no representations as to the correctness of statements in the minutes nor for how long such a condition, if it existed, continued. Respondent is without sufficient information to further respond to this request and therefore denies this request

1 except as stated above. Significant time remains for discovery and Respondent reserves her
2 right to amend this response.

3 **REQUEST FOR ADMISSION NO. 21:**

4 Admit that in or around May 2014, Xerox informed NHC for the first time that many
5 of its members had been delinquent in their payments since January 2014.

6 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 21:**

7 Respondent objects to this request in that the terms “Xerox”, “many” and “members”
8 are ambiguous as used leaving Respondent to question what facts that she is being asked to
9 respond to. Notwithstanding and without waiving such objections the May 23, 2014 Board
10 Minutes contain the following statement apparently made by Defendant Zumtobel that the
11 Exchanges most recent delinquency report listed over 900 members. It is not clear what
12 portion of the 900 members relate to what time period and it is appropriate for the Exchange
13 to notify NCH of delinquent members. The Defendants had a duty to reconcile its records
14 to those of the exchange and failure to do so was the cause of a significant amount of
15 damages to NHC. Respondent makes no representations as to the correctness of statements
16 in the minutes nor for how long such a condition, if it existed, continued. Respondent is
17 without sufficient information to further respond to this request and therefore denies this
18 request except as stated above. Significant time remains for discovery and Respondent
19 reserves her right to amend this response.

20 **REQUEST FOR ADMISSION NO. 22:**

21 Admit that as a result of Xerox’s dilatory notifications to NHC regarding delinquent
22 and/or terminated members, NHC unnecessarily paid claims for individuals not eligible for
23 coverage.

24 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 22:**

25 Respondent objects to this claim in that it is compound. Respondent objects to this
26 request in that the terms “Xerox” and “dilatory notifications to NHC regarding delinquent
27 and/or terminated members” is ambiguous as used leaving Respondent unable to determine
28 what she is being asked to admit. Notwithstanding and without waiving the above

1 objections, there was no contractual nexus between Xerox and NHC. The failures of the
2 Defendants as set forth in the Amended Complaint and Plaintiff's expert reports among
3 other places, Defendants' failures to establish adequate computer systems, their failures to
4 timely pay medical bills, their failures to establish adequate interfaces between NHC and
5 the Exchange, Defendants failures to reconcile information, their failures in the customer
6 center operations and their failures to establish adequate internal control systems, caused
7 NHC to unnecessarily pay claims for individuals not eligible for coverage. Except as stated
8 above, Respondent denies this request. Significant time remains for discovery and
9 Respondent reserves her right to amend this response.

10 **REQUEST FOR ADMISSION NO. 23:**

11 Admit that as of September 2014, Xerox had not provided NHC with a complete
12 and/or accurate list of its terminated members.

13 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 23:**

14 Respondent objects to this request in that it is compound. Respondent objects to this
15 request in that the terms "Xerox" and "complete and/or accurate list of its terminated
16 members" are ambiguous as used leaving Respondent not certain what she is being asked to
17 admit. Notwithstanding and without waiving these objections, Xerox had no contractual
18 nexus with NHC. Furthermore, it was up to the Defendants to determine when a member
19 was to be terminated and notify Xerox. Defendants' failures to establish adequate computer
20 systems, their failures to establish adequate interfaces between NHC and the Exchange,
21 Defendants failures to reconcile information and their failures to establish adequate internal
22 control systems led to inaccurate lists of terminated members. Except as stated above,
23 Respondent is without sufficient information to respond to this request and therefore denies
24 this request. Significant time remains for discovery and Respondent reserves her right to
25 amend this response.

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REQUEST FOR ADMISSION NO. 24:

Admit that NHC incurred excessive premium taxes as a result of Xerox's and/or the Exchange's failure to collect premiums from NHC's members and to timely terminate members who failed to pay their premiums.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 24:

Respondent objects to this request in that it does not adequately specify a time period and is compound. Respondent objects to this request in that the terms "Xerox", "excessive premium taxes" and "failure to collect premiums from NHC's members and to timely terminate members who failed to pay their premiums" is ambiguous as used leaving Respondent not certain what she is being asked to admit. Xerox had no contractual nexus with NHC. NHC through the Defendants were responsible for collecting late payments. For at least portions of the time at issue in this case NHC through the Defendants were responsible for determining when to terminate a member. Notwithstanding and without waiving the above objections, the failures of the Defendants as set forth in the Amended Complaint and Plaintiff's expert reports among other places, Defendants' failures to establish adequate computer systems, their failures to establish adequate interfaces between NHC and the Exchange, Defendants failures to reconcile information, their failures in the customer center operations, their failures to timely pay claims and their failures to establish adequate internal control systems, may have created inaccuracies in premium tax returns due to the Defendant's actions. To the extent that Defendants over reported premiums billed, and did not subsequently adjust, additional premiums may have been paid. Respondent makes no statement or admissions about the amount of premium taxes that may have been overpaid, if any, at this time. Except as stated above, Respondent is without sufficient information to further respond to this request and therefore denies this request. Significant time remains for discovery and Respondent reserves her right to amend this response.

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REQUEST FOR ADMISSION NO. 25:

Admit that in 2014, prospective members experienced problems with the Exchange and/or Nevada Health Link which caused them to enroll in NHC's plans through brokers rather than through the Exchange and/or Nevada Health Link.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 25:

Respondent objects to this request in that the terms "prospective members", "experienced problems" and "rather than through the Exchange or Nevada Health Link" are ambiguous as used and Respondent is unsure of what she is being asked to admit. In the May 23, 2014 board meeting minutes, in response to a Defendant Dibsie comment that the Broker representation unexpectedly increased, Defendant Zumbtobel stated he was not sure if the higher than expected broker commissions was due to problems with the exchange. Respondent believes that prospective members calling into the CO-OP customer care center were improperly diverted to InsureMonkey brokers and that NHC changed its marketing to increase broker commissions, provide broker bounties and rely more heavily on brokers to push business and that was the reason for the increase in broker usage. Respondent is without sufficient information to respond further to this request and therefore denies this request except as stated above. Significant time remains for discovery and Respondent reserves her right to amend this response.

REQUEST FOR ADMISSION NO. 26:

Admit that in 2014, NHC paid higher broker commissions than anticipated largely due to more prospective members enrolling in NHC's plans through brokers than through the Exchange and/or Nevada Health Link.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 26:

Respondent objects to this request in that the terms "higher than anticipated", "prospective members", "largely due" and "than through the Exchange or Nevada Health Link" are ambiguous as used and Respondent is unsure of what she is being asked to admit. Respondent believes that prospective members calling into the CO-OP customer care center were improperly diverted to InsureMonkey brokers and that NHC changed its marketing to

1 increase broker commissions, provide broker bounties and rely more heavily on brokers to
2 push business and that was the reason for the increase in broker commissions. Respondent
3 denies this request except as stated above. Significant time remains for discovery and
4 Respondent reserves her right to amend this response.

5 **REQUEST FOR ADMISSION NO. 27:**

6 Admit that NHC incurred additional administrative costs, expenses and/or fees
7 associated with the termination of Xerox's contract with the Exchange, the failure of the
8 Exchange, and/or Nevada's move to the Federally Facilitated Marketplace.

9 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 27:**

10 Respondent objects to this request in that the request is compound. Respondent also
11 objects in that the terms "termination of Xerox's contract with the Exchange" and "failure
12 of the Exchange" are ambiguous as used leaving Respondent unsure of what is being asked.
13 It is also unclear as to whether this question is asking if costs, expenses or fees went up on
14 a gross or net basis. Without waiving and notwithstanding such objection, Plaintiff admits
15 that due to the failures of the Defendants as set forth in the Amended Complaint and
16 Plaintiff's expert reports among other places, Defendants' failures to establish adequate
17 computer systems, their failures to establish adequate interfaces between NHC and the
18 Exchanges, Defendants failures to reconcile information,, Defendants failures to timely pay
19 claims and their failures to establish adequate internal control systems, NHC experienced
20 costs, expenses or and/or fees in connection with the transition from the state to the federal
21 marketplace on a gross basis. Except as stated above, Respondent denies this request.
22 Significant time remains for discovery and Respondent reserves her right to amend this
23 response.

24 **REQUEST FOR ADMISSION NO. 28:**

25 Admit that NHC incurred additional administrative costs, expenses and/or fees
26 associated with the fact that the responsibility for direct enrollment and premium billing was
27 added to NHC's operations after Xerox's contract with the Exchange was terminated.

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RESPONSE TO REQUEST FOR ADMISSIONS NO. 28:

Respondent objects to this request in that the request is compound. Respondent also objects in that the terms “responsibility for direct enrollment” and “after Xerox’s contract with the Exchange” are ambiguous as used leaving Respondent unsure of what is being asked. It is also unclear as to whether this question is asking if costs, expenses or fees went up on a gross or net basis. Without waiving and notwithstanding such objection, Plaintiff admits that due to the failures of the Defendants as set forth in the Amended Complaint and Plaintiff’s expert reports among other places, Defendants’ failures to establish adequate computer systems, their failures to establish adequate interfaces between NHC and the Exchanges, Defendants failures to timely pay medical claims and reconcile information and their failures to establish adequate internal control systems, NHC experienced costs, expenses or and/or fees in connection with the transition from the state to the federal marketplace on a gross basis. Except as stated above, Respondent denies this request. Significant time remains for discovery and Respondent reserves her right to amend this response.

REQUEST FOR ADMISSION NO. 29:

Admit that between October 2013 and May 2014, NHC was forced to commit approximately 50 percent of its resources to Xerox-related problems and/or issues.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 29:

Respondent objects to this request in that the terms “was forced to commit” and “Xerox-related problems and/or issues” and “approximately 50 percent” are so ambiguous as used that Respondent is not clear what facts it is being asked to admit. Without waiving and notwithstanding the above objections, respondent answers: Denied.

REQUEST FOR ADMISSION NO. 30:

Admit that after the Exchange terminated its contract with Xerox, NHC experienced problems with inaccurate and/or incomplete data received from Xerox in its termination file.

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RESPONSE TO REQUEST FOR ADMISSIONS NO. 30:

Plaintiff objects to this request in that it is compound and it assumes facts not in evidence. Furthermore, the terms “Xerox” “experienced problems” “inaccurate and/or incomplete data” and “termination file” are undefined and so ambiguous as used that Respondent is not clear what facts Respondent is being asked to admit. Without waiving and notwithstanding such objection, Plaintiff admits that due to the failures of the Defendants as set forth in the Amended Complaint and Plaintiff’s expert reports among other places, Defendants’ failures to establish adequate computer systems, their failures to establish adequate interfaces between NHC and the Exchanges, Defendants failures to reconcile information and their failures to establish adequate internal control systems, NHC experienced issues associated with the transition file to the federal exchange. In responding to this request Respondent is not quantifying the magnitude of any such issues. Respondent is without sufficient information to further respond to this request and therefore except as stated above denies this request. Significant time remains for discovery and Respondent reserves her right to amend this response.

REQUEST FOR ADMISSION NO. 31:

Admit that after the Exchange terminated its contract with Xerox, so many issues pervaded the Carriers’ data reconciliation with Xerox that in or around April 2015, the Exchange requested that NHC and the other Carriers discontinue their reconciliation efforts and that NHC’s and the other Carriers’ data as of a certain date chosen by the Exchange be used as the “official record” of enrollment.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 31:

Respondent objects that the terms “so many issues” and “Carriers’ data Reconciliation with Xerox” are so ambiguous as it is not clear to Respondent what facts Respondent is being asked to admit. Without waiving and notwithstanding such objections, Plaintiff admits that due to the failures of the Defendants as set forth in the Amended Complaint and Plaintiff’s expert reports among other places, Defendants’ failures to establish adequate computer systems, their failures to establish adequate interfaces between

1 NHC and the Exchanges, Defendants failures to reconcile information, Defendants failures
2 to timely pay claims and their failures to establish adequate internal control systems,
3 Defendants had not reconciled their records with the state exchange. At some point a
4 beginning data set was necessary for the federal exchange to populate its data base and in
5 or around April 2015, the Silver State Insurance Exchange sought for and requested carriers
6 to finalize numbers for the federal exchange to use as opening balances. In the April 1, 2015,
7 board of directors' minutes, the board noted that the Exchange reported that the remaining
8 exchange participating carriers determined that they would discontinue the reconciliation
9 process and address any outstanding issues one-by-one as they came through the exchange,
10 and that the CO-OP agreed to following this approach. Respondent is without sufficient
11 information to further respond to this request and therefore except as stated above denies
12 this request. Significant time remains for discovery and Respondent reserves her right to
13 amend this response.

14 **REQUEST FOR ADMISSION NO. 32:**

15 Admit that the 2014 assessment of Xerox, the Exchange, and/or Nevada Health Link
16 performed by Deloitte identified over 1,500 defects in the functionality of the Exchange
17 and/or the Nevada Health Link system.

18 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 32:**

19 Respondent objects to the phrase as "the 2014 assessment of Xerox, the Exchange
20 and/or Nevada Health Link" is ambiguous as used and leaves the respondent not knowing
21 what is being asked. To the extent that this request is directed to the assessment report of
22 Nevada Silver State Health Insurance Exchange dated April 25, 2014, a search of the
23 document shows it contains the contains the phrase, "In addition, there are 1,500+
24 outstanding defects." There is no reference that any of these issues concern or directly
25 affected NHC. Respondent states that the document contains what the document contains
26 and the document speaks for itself. Respondent makes no representations as to the
27 correctness of statements in the document. Except as stated above respondent denies this
28 request.

REQUEST FOR ADMISSION NO. 33:

Admit that the 2014 assessment of Xerox, the Exchange, and/or Nevada Health Link performed by Deloitte classified over 500 defects as being of “higher severity.”

RESPONSE TO REQUEST FOR ADMISSIONS NO. 33:

Respondent objects to the phrases “the 2014 assessment of Xerox, the Exchange and/or Nevada Health Link” and “classified” are ambiguous as used and leaves the Respondent not knowing what is being asked. To the extent that this request is directed to the assessment report of Nevada Silver State Health Insurance Exchange dated April 25, 2014, a search of the document shows it contains the statement, “In addition, there are 1,500+ outstanding defects, of which 500+ are considered higher severity.” There is no reference that any of these issues concern or directly affected NHC. Respondent states that the document contains what the document contains and the document speaks for itself. Respondent makes no representations as to the correctness of statements in the document. Except as stated above respondent denies this request.

REQUEST FOR ADMISSION NO. 34:

Admit that in its 2014 assessment of Xerox, the Exchange, and/or Nevada Health Link, Deloitte found that Carriers were receiving incorrect, missing, and/or inconsistent enrollment and premium payment information from Xerox and/or the Exchange.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 34:

Respondent objects to the phrases “the 2014 assessment of Xerox, the Exchange and/or Nevada Health Link”, “Carriers” and “found” are ambiguous as used and leaves the Respondent not knowing what is being asked to admit. To the extent that this request is directed to the assessment report of Nevada Silver State Health Insurance Exchange dated April 25, 2014, a search of the document shows it contains the statement, “Carriers receive incorrect, missing and inconstant enrollment and payment information.” There is no, reference that any of these issues concern or directly affected NHC. Respondent states that the document contains what the document contains and the document speaks for itself.

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Respondent makes no representations as to the correctness of statements in the document.
Except as stated above respondent denies this request.

REQUEST FOR ADMISSION NO. 35:

Admit that in its 2014 assessment of Xerox, the Exchange, and/or Nevada Health Link, Deloitte found that consistent data reconciliation issues existed between the form “834” electronic transmissions of enrollment data, the form “820” electronic submission of premium payment data, and the automated clearing house payments.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 35:

Respondent objects to the phrases “the 2014 assessment of Xerox, the Exchange and/or Nevada Health Link” and “found” are ambiguous as used and leaves the respondent not knowing what is being asked. To the extent that this request is directed to the assessment report of Nevada Silver State Health Insurance Exchange dated April 25, 2014, a search of the document shows the statement, “For certain carriers, reconciliation issues between 834’s, 820’s and automated clearing house (ACH) payments are proactively being identified and spreadsheets of the issues are being sent to the carriers with the corresponding EDI files.” There is no reference that any of these issues directly affected NHC. It also includes the statement “There are consistent data reconciliation issues between the 834’s 820’s and the automated clearing house (ACH) payments.” Respondent states that the document contains what the document contains and the document speaks for itself. Respondent makes no representations as to the correctness of statements in the document. Except as stated above, Respondent denies this request.

REQUEST FOR ADMISSION NO. 36:

Admit that in its 2014 assessment of Xerox, the Exchange, and/or Nevada Health Link, Deloitte found that Xerox, the Exchange, and/or Nevada Health Link’s form “834” electronic enrollment data and the form “820” electronic premium payment data files contained invalid and/or missing data.

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RESPONSE TO REQUEST FOR ADMISSIONS NO. 36:

Respondent objects to the phrases “the 2014 assessment of Xerox, the Exchange and/or Nevada Health Link” and “found” are ambiguous as used and leaves the Respondent not knowing what she is being asked to admit. To the extent that this request is directed to the assessment report of Nevada Silver State Health Insurance Exchange dated April 25, 2014, a search of the document shows it contains the statement, “834 and 820 files contain invalid and missing data.” There is no reference that any of these issues directly affected NHC. Respondent states that the document contains what the document contains and the document speaks for itself. Respondent makes no representations as to the correctness of statements in the document. Except as stated above respondent denies this request.

REQUEST FOR ADMISSION NO. 37:

Admit that in its 2014 assessment of Xerox, the Exchange, and/or Nevada Health Link, Deloitte found that Xerox, the Exchange, and/or Nevada Health Link were issuing weekly correction reports to the Carriers for Cost Sharing Reduction (CSR) premium subsidy calculation errors.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 37:

Respondent objects to the phrases “the 2014 assessment of Xerox, the Exchange and/or Nevada Health Link” and “found” are ambiguous as used and leaves the Respondent not knowing what she is being asked to admit. To the extent that this request is directed to the assessment report of Nevada Silver State Health Insurance Exchange dated April 25, 2014, a search of the document shows it contains the statement, “Cost-sharing reduction tiers and corresponding calculations are inconsistent. Carriers have reported receiving weekly correction reports from the Exchange.” There is no reference that any of these issues directly affected NHC. Respondent states that the document contains what the document contains and the document speaks for itself. Respondent makes no representations as to the correctness of statements in the document. Except as stated above Respondent denies this request.

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REQUEST FOR ADMISSION NO. 38:

Admit that in its 2014 assessment of Xerox, the Exchange, and/or Nevada Health Link, Deloitte found that some Carriers frequently received enrollments with retroactive coverage dates throughout the open enrollment period.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 38:

Respondent objects to the phrases “the 2014 assessment of Xerox, the Exchange and/or Nevada Health Link” and “found” are ambiguous as used and leaves the respondent not knowing what is being asked. To the extent that this request is directed to the assessment report of Nevada Silver State Health Insurance Exchange dated April 25, 2014, a search of the document shows it contains the statement, “During the open enrollment period, some carriers reported frequently receiving enrollments with retroactive coverage effective dates.” There is no reference that any of these issues directly affected NHC. Respondent states that the document contains what the document contains and the document speaks for itself. Respondent makes no representations as to the correctness of statements in the document. Except as stated above respondent denies this request.

REQUEST FOR ADMISSION NO. 39:

Admit that of 45 tests Deloitte performed during its 2014 assessment of Xerox, the Exchange, and/or Nevada Health Link, on enrollment processes through the Exchange’s and/or Nevada Health Link’s system, 33 of those tests failed.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 39:

Respondent objects to the phrases “the 2014 assessment of Xerox, the Exchange and/or Nevada Health Link”, “tests”, “enrollment processes through the exchange” and “failed” are ambiguous as used and leaves the respondent not knowing what is being asked. To the extent that this request is directed to the assessment report of Nevada Silver State Health Insurance Exchange dated April 25, 2014, a search of the document revealed no such statements when the document is searched using the search terms “45”, “33”, “tests” and “failed.” There is no reference noted that any test directly concerned NHC. Respondent states that the document contains what the document contains and the document speaks for

1 itself. Respondent makes no representations as to the correctness of statements in the
2 document. Except as stated above respondent denies this request.

3 DATED this 7th day of August 2020.

4 GREENBERG TRAURIG, LLP

5 /s/ Donald L. Prunty

6 MARK E. FERRARIO, ESQ.

7 Nevada Bar No. 001625

8 ERIC W. SWANIS, ESQ.

9 Nevada Bar No. 006840

10 DONALD L. PRUNTY, ESQ.

11 Nevada Bar No. 008230

12 GLENN F. MEIER, ESQ.

13 Nevada Bar No. 006059

14 10845 Griffith Peak Drive, Suite 600

15 Las Vegas, Nevada 89169

16 *Counsel for Plaintiff*

CERTIFICATE OF SERVICE

I hereby certify that on **August 7, 2020**, a true and correct copy of the foregoing **PLAINTIFF'S RESPONSES TO UNITE HERE HEALTH'S FIRST SET OF REQUESTS FOR ADMISSIONS** 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 20

TAB 20

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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.

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

CASE NO. A-17-760558-B

DEPARTMENT XVI

**PLAINTIFF'S RESPONSE TO UNITE
HERE HEALTH'S SIXTH SET OF
REQUESTS FOR PRODUCTION**

Liability Company; PAMELA EGAN, an Individual; BASIL C. DIBSIE, an Individual; 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.

COMES NOW 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 its counsel of record, hereby answers Defendant UNITE HERE HEALTH'S ("UHH") Sixth Set of Requests for Production as set forth below. Discovery is ongoing and Plaintiff reserves the right to supplement these responses should additional information be discovered:

GENERAL OBJECTIONS

Plaintiff has not completed its investigation and/or discovery of all facts which support claims and defenses of this action. Plaintiff therefore requests, and specifically reserves, the right to supplement its responses to these discovery requests and to provide additional information and materials as such become known and available.

Plaintiff also reserves the right to object on any ground to the use of any information provided herein in any proceeding whatsoever, and to object at any time to these or further discovery requests from Silver. Plaintiff provides its written responses below subject to the following General Objections as may be applicable to the particular discovery requests:

1. Plaintiff objects to these requests to the extent they seek information or documents not relevant to the claim or defense of any party in this action or are otherwise beyond the scope of permissible discovery.

///

2. Plaintiff objects to these requests to the extent they seek information or the identification or production of documents protected by the attorney-work product doctrine, the attorney-client privilege, or are otherwise privileged or protected from discovery.

3. Plaintiff objects to these requests to the extent they seek information or the identification or production of documents not known to Plaintiff, already known to UHH, or are readily ascertainable by UHH through more appropriate means.

No incidental or implied admissions are intended by the responses set forth herein. The fact that Plaintiff has objected to, or answered, any request or part thereof, or has not yet completed her response to any request or part thereof, should not be taken as an admission that Plaintiff accepts or admits the existence of any facts set forth or presupposed by such request, or that such response or objection constitutes admissible evidence. Plaintiff reserves the right to claim any privilege, confidentiality, or to raise any objection that becomes known upon further investigation or discovery. Subject to, and without waiving the foregoing objections, Plaintiff issues her responses to UNITE HERE HEALTH'S Sixth Set of Requests for Production as follows:

RESPONSES TO UNITE HERE HEALTH'S

SIXTH SET OF REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Produce any and all documents which memorialize any settlement and/or resolution between Plaintiff (NHC and/or NDOI) and Xerox (and/or any of its affiliates, parent entities, and/or subsidiaries), including, but not limited to, settlement agreements and/or release agreements.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

Respondent objects to this request on the grounds that the requested documents are neither relevant to this case nor are they reasonably calculated to lead to the discovery of admissible evidence. Respondent further objects to this request on the grounds that the terms "resolution" and "affiliates" are vague and ambiguous as used and Respondent is not

certain what is being asked of Respondent. Notwithstanding the foregoing objections, Respondent is not in possession of any documents responsive to this request. Respondent notes that discovery is ongoing in this matter and reserves all rights to supplement and/or amend this response.

REQUEST FOR PRODUCTION NO. 2:

Produce any and all documents which memorialize communications by and between NHC (and/or NDOI) and Xerox (and/or any of its affiliates, parent entities, and/or subsidiaries) from January 1, 2012 to the present which relate, either directly or indirectly, to Xerox's performance or lack thereof as a contractor for the Silver State Health Insurance Exchange.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

Respondent objects to this request on the grounds that the requested documents are neither relevant to this case nor are they reasonably calculated to lead to the discovery of admissible evidence. Respondent further objects to this request on the grounds that the terms "affiliates" and "Xerox's performance" are vague and ambiguous as used and Respondent is not certain what is being asked of Respondent. The Special Deputy Receiver was not in place at the time that any such potential communications would have been generated and therefore may not have access to all possibly responsive communications. Notwithstanding the foregoing, Respondent identifies the following documents responsive to this request: PLAINTIFF02499435 - PLAINTIFF02499436; PLAINTIFF02499439 - PLAINTIFF02499440; PLAINTIFF02499441 - PLAINTIFF02499442; PLAINTIFF02499443 - PLAINTIFF02499448; PLAINTIFF02499449 - PLAINTIFF02499453; PLAINTIFF02499454 - PLAINTIFF02499457; PLAINTIFF02499458 - PLAINTIFF02499461; PLAINTIFF02499462 - PLAINTIFF02499465; PLAINTIFF02499471 - PLAINTIFF02499476; PLAINTIFF02499477 - PLAINTIFF02499481; PLAINTIFF02499482 - PLAINTIFF02499485; PLAINTIFF02499486 - PLAINTIFF02499490; PLAINTIFF02499491 - PLAINTIFF02499492; PLAINTIFF02499493;

1 PLAINTIFF02499494; PLAINTIFF02499495; PLAINTIFF02499496;
2 PLAINTIFF02499497; PLAINTIFF02499498; PLAINTIFF02499499 -
3 PLAINTIFF02499500; PLAINTIFF02499501; PLAINTIFF02499502 -
4 PLAINTIFF02499503; PLAINTIFF02499504; PLAINTIFF02499505 -
5 PLAINTIFF02499508; PLAINTIFF02499509 - PLAINTIFF02499511;
6 PLAINTIFF02499512; PLAINTIFF02499513 - PLAINTIFF02499514;
7 PLAINTIFF02499543; PLAINTIFF02499544 - PLAINTIFF02499545;
8 PLAINTIFF02499546; PLAINTIFF02499547 - PLAINTIFF02499548;
9 PLAINTIFF02499549; PLAINTIFF02499550 - PLAINTIFF02499556;
10 PLAINTIFF02499557; PLAINTIFF02499558; PLAINTIFF02499559;
11 PLAINTIFF02499562 - PLAINTIFF02499564; PLAINTIFF02499565. Respondent notes
12 that discovery is ongoing in this matter and reserves all rights to supplement and/or amend
13 this response.

14 **REQUEST FOR PRODUCTION NO. 3:**

15 Produce a copy of the engagement letter (and any amendments, addendums, and/or
16 modifications thereto) between Plaintiff (NHC and/or NDOI) and Plaintiff's legal counsel
17 for its/her representation in this case.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

19 Respondent objects to this request on the grounds that the requested documents are
20 neither relevant to this case nor are they reasonably calculated to lead to the discovery of
21 admissible evidence. Furthermore, Respondent objects to this request on the grounds that
22 any documents responsive to this request may be protected by the attorney client privilege
23 and the attorney work product privilege. Respondent notes that the Court has taken under
24 submission the issue of the scope of the attorney client and attorney work product privileges
25 in this case and reserves all rights to amend this response based on future rulings from the
26 Court on issues relating to the scope of applicable privileges. Respondent further notes that
27 discovery is ongoing in this matter and reserves all rights to supplement and/or amend this
28 response.

REQUEST FOR PRODUCTION NO. 4

Produce a copy of the engagement letter (and any amendments, addendums, and/or modifications thereto) between Plaintiff (NHC and/or NDOI) and the Special Deputy Receiver for professional services in this case.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

Respondent objects to this request on the grounds that the requested documents are neither relevant to this case nor are they reasonably calculated to lead to the discovery of admissible evidence. Furthermore, Respondent objects to this request on the grounds that any documents responsive to this request may be protected by the attorney client privilege and the attorney work product privilege. Respondent notes that the Court has taken under submission the issue of the scope of the attorney client and attorney work product privileges in this case and reserves all rights to amend this response based on future rulings from the Court on issues relating to the scope of applicable privileges. Respondent further notes that discovery is ongoing in this matter and reserves all rights to supplement and/or amend this response.

REQUEST FOR PRODUCTION NO. 5:

Produce a copy of the engagement letter (and any amendments, addendums, and/or modifications thereto) between Plaintiff (NHC and/or NDOI) and Palomar Financial, LLC for professional services in this case.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

Respondent objects to this request on the grounds that the requested documents are neither relevant to this case nor are they reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding the foregoing objection, Respondent is not in possession of any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 6:

Produce any and all conflict of interest waivers that Plaintiff's counsel received from NHC.

///

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

Respondent objects to this request on the grounds that the requested documents are neither relevant to this case nor are they reasonably calculated to lead to the discovery of admissible evidence. Furthermore, Respondent objects to this request on the grounds that any documents responsive to this request may be protected by the attorney client privilege and the attorney work product privilege. Respondent notes that the Court has taken under submission the issue of the scope of the attorney client and attorney work product privileges in this case and reserves all rights to amend this response based on future rulings from the Court on issues relating to the scope of applicable privileges. Respondent further notes that discovery is ongoing in this matter and reserves all rights to supplement and/or amend this response.

REQUEST FOR PRODUCTION NO. 7:

Produce any and all conflict of interest waivers that Plaintiff's counsel received from Xerox (and/or any of its affiliates, parent entities, and/or subsidiaries).

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

Respondent objects to this request on the grounds that the requested documents are neither relevant to this case nor are they reasonably calculated to lead to the discovery of admissible evidence. Furthermore, Respondent objects to this request on the grounds that any documents responsive to this request may be protected by the attorney client privilege and the attorney work product privilege. Respondent notes that the Court has taken under submission the issue of the scope of the attorney client and attorney work product privileges in this case and reserves all rights to amend this response based on future rulings from the Court on issues relating to the scope of applicable privileges. Respondent further notes that discovery is ongoing in this matter and reserves all rights to supplement and/or amend this response.

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REQUEST FOR PRODUCTION NO. 8:

Produce any and all conflict of interest waivers that Plaintiff's counsel received from Valley Health System (and/or any of its affiliates, parent entities, and/or subsidiaries).

RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

Respondent objects to this request on the grounds that the requested documents are neither relevant to this case nor are they reasonably calculated to lead to the discovery of admissible evidence. Furthermore, Respondent objects to this request on the grounds that any documents responsive to this request may be protected by the attorney client privilege and the attorney work product privilege. Respondent notes that the Court has taken under submission the issue of the scope of the attorney client and attorney work product privileges in this case and reserves all rights to amend this response based on future rulings from the Court on issues relating to the scope of applicable privileges. Respondent further notes that discovery is ongoing in this matter and reserves all rights to supplement and/or amend this response.

REQUEST FOR PRODUCTION NO. 9:

Produce any and all billing invoices submitted by Plaintiff's (NHC and/or NDOI) legal counsel, vendors, consultants, and/or experts to Plaintiff (NHC and/or NDOI) following the Court's appointment of the Plaintiff as receiver with respect to NHC.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

Respondent objects to this request on the grounds that the requested documents are neither relevant to this case nor are they reasonably calculated to lead to the discovery of admissible evidence. Furthermore, Respondent objects to this request on the grounds that any documents responsive to this request may be protected by the attorney client privilege and the attorney work product privilege. Notwithstanding the foregoing objections, Respondent notes that certain non-privileged information responsive to this request has been produced *in the various receiver's reports* filed in conjunction with Eighth Judicial District Court Case Number A-15-725244-C and are available as matters of public record. Respondent notes that the Court has taken under submission the issue of the scope of the

attorney client and attorney work product privileges in this case and reserves all rights to amend this response based on future rulings from the Court on issues relating to the scope of applicable privileges. Respondent further notes that discovery is ongoing in this matter and reserves all rights to amend this response.

REQUEST FOR PRODUCTION NO. 10

Produce any and all correspondence from NHC or its counsel to Xerox and/or the Governor of the State of Nevada regarding: (1) problems and issues NHC was experiencing with the Exchange and/or Xerox; and/or (2) how NHC and/or its members have been injured by the Exchange and/or Xerox.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

Respondent objects to this request on the grounds that the requested documents are neither relevant to this case nor are they reasonably calculated to lead to the discovery of admissible evidence. Respondent further objects to this request on the grounds that the term “problems and issues NHC was experiencing with the Exchange and/or Xerox” is vague and ambiguous as used and Respondent is not certain what is being asked of Respondent. The Special Deputy Receiver was not in place at the time that any such potential communications would have been generated and therefore may not have access to all possibly responsive communications. Notwithstanding the foregoing, Respondent identifies the following documents responsive to this request: PLAINTIFF02499435 - PLAINTIFF02499436; PLAINTIFF02499439 - PLAINTIFF02499440; PLAINTIFF02499441 - PLAINTIFF02499442; PLAINTIFF02499443 - PLAINTIFF02499448; PLAINTIFF02499449 - PLAINTIFF02499453; PLAINTIFF02499454 - PLAINTIFF02499457; PLAINTIFF02499458 - PLAINTIFF02499461; PLAINTIFF02499462 - PLAINTIFF02499465; PLAINTIFF02499471 - PLAINTIFF02499476; PLAINTIFF02499477 - PLAINTIFF02499481; PLAINTIFF02499482 - PLAINTIFF02499485; PLAINTIFF02499486 - PLAINTIFF02499490; PLAINTIFF02499491 - PLAINTIFF02499492; PLAINTIFF02499493; PLAINTIFF02499494; PLAINTIFF02499495;

1 PLAINTIFF02499496; PLAINTIFF02499497; PLAINTIFF02499498;
2 PLAINTIFF02499499 - PLAINTIFF02499500; PLAINTIFF02499501;
3 PLAINTIFF02499502 - PLAINTIFF02499503; PLAINTIFF02499504;
4 PLAINTIFF02499505 - PLAINTIFF02499508; PLAINTIFF02499509 -
5 PLAINTIFF02499511; PLAINTIFF02499512; PLAINTIFF02499513 -
6 PLAINTIFF02499514; PLAINTIFF02499543; PLAINTIFF02499544 -
7 PLAINTIFF02499545; PLAINTIFF02499546; PLAINTIFF02499547 -
8 PLAINTIFF02499548; PLAINTIFF02499549; PLAINTIFF02499550 -
9 PLAINTIFF02499556; PLAINTIFF02499557; PLAINTIFF02499558;
10 PLAINTIFF02499559; PLAINTIFF02499562 - PLAINTIFF02499564;
11 PLAINTIFF02499565. Respondent notes that discovery is ongoing in this matter and
12 reserves all rights to supplement and/or amend this response.

13 DATED this 7th day of August 2020.

14 GREENBERG TRAURIG, LLP

15 /s/ Donald L. Prunty

16 MARK E. FERRARIO, ESQ.

17 Nevada Bar No. 1625

18 ERIC W. SWANIS, ESQ.

19 Nevada Bar No. 6840

20 DONALD L. PRUNTY, ESQ.

21 Nevada Bar No. 8230

22 GLENN F. MEIER, ESQ.

23 Nevada Bar No. 6059

24 10845 Griffith Peak Drive, Suite 600

25 Las Vegas, Nevada 89169

26 *Counsel for Plaintiff*

CERTIFICATE OF SERVICE

I hereby certify that on **August 7, 2020**, a true and correct copy of the foregoing **PLAINTIFF'S RESPONSES TO UNITE HERE HEALTH'S SIXTH SET OF REQUESTS FOR PRODUCTION** 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 21

TAB 21

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Facsimile: (702) 792-9002

RESP

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ERIC W. SWANIS, ESQ.

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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.

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;

CASE NO. A-17-760558-B

DEPARTMENT XVI

**PLAINTIFF'S RESPONSE TO
UNITE HERE HEALTH'S THIRD
SET OF INTERROGATORIES**

NEVADA HEALTH SOLUTIONS, LLC, a
Nevada Limited Liability Company; PAMELA
EGAN, an Individual; BASIL C. DIBSIE, an
Individual; 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.

Pursuant to Rule 33 of the Nevada Rules of Civil Procedure, Plaintiff, Barbara D. Richardson, Commissioner of Insurance in the State of Nevada, in her official capacity as Permanent Receiver of Nevada Health CO-OP ("Plaintiff"), by and through her counsel of record, the law firm of Greenberg Traurig, LLP, hereby responds to Defendant UHH's ("UHH") Third Set of Interrogatories as set forth below. Discovery is ongoing and Plaintiff reserves the right to supplement these responses should additional information be discovered:

GENERAL OBJECTIONS

Plaintiff has not completed its investigation and/or discovery of all facts which support claims and defenses of this action. Plaintiff therefore requests, and specifically reserves, the right to supplement its responses to these discovery requests and to provide additional information and materials as such become known and available.

Plaintiff also reserves the right to object on any ground to the use of any information provided herein in any proceeding whatsoever, and to object at any time to these or further discovery requests from UHH. Plaintiff provides its written responses below subject to the following General Objections as may be applicable to the particular discovery requests:

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1. Plaintiff objects to these interrogatories to the extent they seek information or documents not relevant to the claim or defense of any party in this action or are otherwise beyond the scope of permissible discovery.

2. Plaintiff objects to these interrogatories to the extent they seek information or the identification or production of documents protected by the attorney-work product doctrine, the attorney-client privilege, or are otherwise privileged or protected from discovery.

3. Plaintiff objects to these interrogatories to the extent they seek information or the identification or production of documents not known to Plaintiff, already known to UHH, or are readily ascertainable by UHH through more appropriate means.

No incidental or implied admissions are intended by the responses set forth herein.

The fact that Plaintiff has objected to, or answered, any request or part thereof, or has not yet completed her response to any request or part thereof, should not be taken as an admission that Plaintiff accepts or admits the existence of any facts set forth or presupposed by such request, or that such response or objection constitutes admissible evidence. Plaintiff reserves the right to claim any privilege, confidentiality, or to raise any objection that becomes known upon further investigation or discovery. Subject to, and without waiving the foregoing objections, Plaintiff issues her responses to UHH's Third Set of Interrogatories as follows:

RESPONSES TO UNITE HERE HEALTH'S

THIRD SET OF INTERROGATORIES

INTERROGATORY NO. 30:

Did Plaintiff, NHC and/or NDOI settle any potential claims for relief and/or causes of action against Xerox and/or any of its affiliates, parent entities, and/or subsidiaries relating to Xerox's involvement with the Silver State Health Insurance Exchange? If so, provide:

- The date of the settlement;

- The material terms of the settlement; and
- The names of the attorneys involved in negotiating the settlement.

RESPONSE TO INTERROGATORY NO. 30:

Plaintiff objects to this interrogatory in that the term “affiliate” is undefined and ambiguous as used. Plaintiff has not entered into any settlement of any potential claims against Xerox. As to the other entities listed, Plaintiff is not aware of any such settlements. As for the NDOI, the Plaintiff is not aware of any such settlements. On information and belief Xerox has entered into and settled class action claims by certain insureds and vendors which may overlap with those represented by the Plaintiff in this case. Plaintiff was not a party to those actions or settlements.

INTERROGATORY NO. 31:

Explain why Plaintiff did not include Xerox and/or any of its affiliates, parent entities, and/or subsidiaries as a defendant in this action.

RESPONSE TO INTERROGATORY NO. 31:

Plaintiff objects to this interrogatory in that the term “affiliate” is undefined and ambiguous as used. Plaintiff objects to this interrogatory in that UHH is not entitled to information protected by attorney client privilege and the attorney work product doctrine. As UHH’s counsel is aware, case strategies, mental impressions, conclusions, opinions, or legal theories are not discoverable. This interrogatory is clearly asking for NHC counsel’s strategies, opinions, and legal theories, which are protected. Notwithstanding and without waiving the above, on information and belief Xerox was a vendor of the Silver State Health Insurance Exchange and had no direct contractual relationship with NHC. In this instant case, based on the merits and resources of the receivership, Plaintiff elected to pursue those entities and individuals that were most directly responsible for NHC’s damages, namely the

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///

1 Defendants. Plaintiff reserves the right to pursue any person or entity, including Xerox, in
2 this, separate or associated litigation, based on applicable evidence as may be discovered.

3 DATED this 7th day of August 2020.

4 GREENBERG TRAURIG, LLP

5 /s/ Donald L. Prunty

6 MARK E. FERRARIO, ESQ.

7 Nevada Bar No. 1625

8 ERIC W. SWANIS, ESQ.

9 Nevada Bar No. 6840

10 DONALD L. PRUNTY, ESQ.

11 Nevada Bar No. 8230

12 GLENN F. MEIER, ESQ.

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14 10845 Griffith Peak Drive, Suite 600

15 Las Vegas, Nevada 89169

16 *Counsel for Plaintiff*

VERIFICATION

STATE OF TEXAS)
COUNTY OF TRAVIS) ss.

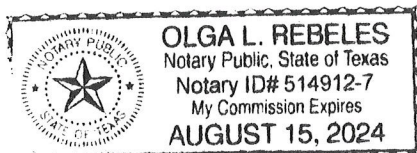
I, **Mark F. Bennett** as authorized representative of Special Deputy Receiver, on behalf of STATE OF NEVADA, EX REL, COMMISSIONER OF INSURANCE, BARBARA D. RICHARDSON, IN HER OFFICIAL CAPACITY AS RECEIVER FOR NEVADA HEALTH CO-OP, being first duly sworn, depose and state that I have read the foregoing **PLAINTIFF'S RESPONSES TO UNITE HERE HEALTH'S THIRD SET OF INTERROGATORIES**. I know the contents thereof to be true of my knowledge, except as to those matters therein stated upon information and belief, and as to those matters, I believe them to be true.

Mark F. Bennett

Name: Mark Bennett
Title Special Deputy Receiver

SUBSCRIBED and SWORN to before
me this 31st day of July 2020.

Olga L. Rebeles
NOTARY PUBLIC in and for
said County and State



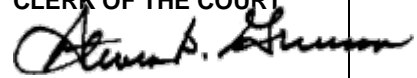
CERTIFICATE OF SERVICE

I hereby certify that on **August 7, 2020**, a true and correct copy of the foregoing **PLAINTIFF'S RESPONSES TO UNITE HERE HEALTH'S THIRD SET OF INTERROGATORIES** 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 22

TAB 22



NEOJ (CIV)

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Attorneys for Defendants

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 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;

Case No. A-17-760558-B

Dept. No. XVI

**NOTICE OF ENTRY OF ORDER
GRANTING DEFENDANTS' JOINT
MOTION TO EXTEND DEADLINE FOR
DEFENDANTS' EXPERT
DISCLOSURES (AND OTHER
ASSOCIATED DEADLINES) DUE TO
COVID-19 PANDEMIC ON ORDER
SHORTENING TIME**

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; 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.

PLEASE TAKE NOTICE that an Order Granting Defendants' Joint Motion to Extend Deadline for Defendants' Expert Disclosures (and Other Associated Deadlines) Due to COVID-19 Pandemic on Order Shortening Time was entered on the 11th day of August, 2020; a true and correct copy of which is attached hereto.

DATED this 13th day of August, 2020.

BAILEY ♦ KENNEDY

By: /s/ John R. Bailey
JOHN R. BAILEY
SARAH E. HARMON
JOSEPH A. LIEBMAN
REBECCA L. CROOKER

AND

SEYFARTH SHAW LLP
SUZANNA C. BONHAM
EMMA C. MATA

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

CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY❖KENNEDY and that on the 13th day of August, 2020, service of the foregoing was made by mandatory electronic service through the Eighth Judicial District 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:

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ERIC W. SWANIS
DONALD L. PRUNTY

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Email: kbonds@alversontaylor.com
mpruitt@alversontaylor.com

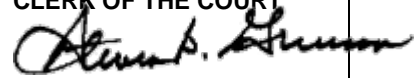
Attorneys for Defendants InsureMonkey, Inc. and Alex Rivlin

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RUSSELL B. BROWN
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SIDERMAN**
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brown@mmrs-law.com

Attorneys for Defendants Martha Hayes, Dennis T. Larson, and Larson & Co, P.C.

/s/ Jennifer Kennedy
Employee of BAILEY❖KENNEDY



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Attorneys for Defendants
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 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;

Case No. A-17-760558-B
Dept. No. XVI

**ORDER GRANTING DEFENDANTS'
JOINT MOTION TO EXTEND
DEADLINE FOR DEFENDANTS'
EXPERT DISCLOSURES (AND OTHER
ASSOCIATED DEADLINES) DUE TO
COVID-19 PANDEMIC ON ORDER
SHORTENING TIME**

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; 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.

Defendants Unite Here Health (“UHH”); Nevada Health Solutions, LLC (“NHS”)¹; Kathleen Silver; Bobbette Bond; Tom Zumtobel; Pam Egan; Basil Dibsie; Linda Mattoon;² InsureMonkey, Inc.; Alex Rivlin;³ Martha Hayes; Dennis T. Larson; and Larson & Co., P.C.’s⁴ Joint Motion to Extend Deadline for Defendants’ Expert Disclosures (and Other Associated Deadlines) Due to COVID-19 Pandemic came before this Court for hearing on August 5, 2020, at 9:00 a.m. The Motion was opposed, in part, by Plaintiff.

Appearing were Mark Ferrario and Donald Prunty on behalf of Plaintiff; John Bailey and Suzanna Bonham on behalf of the UHH Defendants; Angela Ochoa on behalf of the Management Defendants; Matt Pruitt on behalf of the InsureMonkey Defendants; and Russell Brown on behalf of the Larson Defendants.

This Court having considered the papers and pleadings on file and the arguments of counsel for all parties, and for good cause appearing, hereby makes the following orders:

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¹ The “UHH Defendants.”

² The “Management Defendants.”

³ The “InsureMonkey Defendants.”

⁴ The “Larson Defendants.”


HONORABLE TIMOTHY C. WILLIAMS
DISTRICT COURT JUDGE *Cg*

Submitted by:

BAILEY ♦ KENNEDY

LIPSON NEILSON, P.C.

By: /s/ John R. Bailey
JOHN R. BAILEY
SARAH E. HARMON
JOSEPH A. LIEBMAN
REBECCA L. CROOKER

By: /s/ Angela T. Nakamura Ochoa
JOSEPH P. GARIN
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SUZANNA C. BONHAM
EMMA C. MATA

*Attorneys for Defendants Kathleen Silver,
Bobbette Bond, Tom Zumtobel, Pam Egan,
Basil Dibsie and Linda Mattoon*

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

**MEYERS McCONNELL REISZ
SIDERMAN**

ALVERSON TAYLOR & SANDERS

By: /s/ Russell B. Brown
LORI E. SIDERMAN
RUSSELL B. BROWN
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Las Vegas, Nevada 89134

By: /s/ Matthew Pruitt
KURT R. BONDS
MATTHEW PRUITT
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Las Vegas, Nevada 89149

*Attorneys for Defendants Larson & Company,
Martha Hayes and Dennis T. Larson*

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

Approved as to Form and Content:

GREENBERG TRAURIG, LLP

By: /s/ Donald L. Prunty
MARK E. FERRARIO
DONALD L. PRUNTY
10845 Griffith Peak Drive, Suite 600
Las Vegas, Nevada 89135

Attorneys for Plaintiff

Jennifer Kennedy

From: Angela Ochoa <AOchoa@lipsonneilson.com>
Sent: Tuesday, August 11, 2020 9:30 AM
To: Jennifer Kennedy; Jonathan Wong; brown@mmrs-law.com; siderman@mmrs-law.com; MPruitt@AlversonTaylor.com
Cc: John Bailey; Rebecca Crooker
Subject: RE: Unite Here Health adv. State of Nevada - Case No. A-17-760558-B

Jennifer,
You have my authorization to affix my electronic signature to this Order.
Thank you,
Angela

From: Jennifer Kennedy <JKennedy@baileykennedy.com>
Sent: Tuesday, August 11, 2020 9:09 AM
To: Jonathan Wong <JWong@lipsonneilson.com>; Angela Ochoa <AOchoa@lipsonneilson.com>; brown@mmrs-law.com; siderman@mmrs-law.com; MPruitt@AlversonTaylor.com
Cc: John Bailey <JBailey@baileykennedy.com>; Rebecca Crooker <RCrooker@baileykennedy.com>
Subject: Unite Here Health adv. State of Nevada - Case No. A-17-760558-B

Good morning,

Your electronic signatures have been affixed to the attached *Order Granting Defendants' Joint Motion to Extend Deadline for Defendants' Expert Disclosures (and Other Associated Deadlines) Due to COVID-19 Pandemic on Order Shortening Time*. Please reply to this email to confirm your authorization.

Thank you,
Jennifer

Jennifer Kennedy
Litigation Assistant to John R. Bailey
BAILEY ♦ KENNEDY
8984 SPANISH RIDGE AVENUE
LAS VEGAS, NV 89148-1302
702.562.8820 (MAIN)
702.562.8821 (FAX)
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JKennedy@BaileyKennedy.com

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Jennifer Kennedy

From: Russell Brown <brown@mmrs-law.com>
Sent: Tuesday, August 11, 2020 12:25 PM
To: Jennifer Kennedy; Jonathan Wong; AOchoa@lipsonneilson.com; siderman@mmrs-law.com; MPruitt@alversontaylor.com
Cc: John Bailey; Rebecca Crooker
Subject: RE: Unite Here Health adv. State of Nevada - Case No. A-17-760558-B

Ok to use my electronic signature.

Thank you,

Russ

Russell B. Brown
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: brown@mmrs-law.com

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From: Jennifer Kennedy <JKennedy@baileykennedy.com>
Sent: Tuesday, August 11, 2020 9:09 AM
To: Jonathan Wong <JWong@lipsonneilson.com>; AOchoa@lipsonneilson.com; brown@mmrs-law.com; siderman@mmrs-law.com; MPruitt@AlversonTaylor.com
Cc: John Bailey <JBailey@baileykennedy.com>; Rebecca Crooker <RCrooker@baileykennedy.com>
Subject: Unite Here Health adv. State of Nevada - Case No. A-17-760558-B

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Thank you,
Jennifer

Jennifer Kennedy
Litigation Assistant to John R. Bailey
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LAS VEGAS, NV 89148-1302
702.562.8820 (MAIN)

Jennifer Kennedy

From: Matt Pruitt <MPruitt@AlversonTaylor.com>
Sent: Tuesday, August 11, 2020 10:27 AM
To: Jennifer Kennedy; Jonathan Wong; AOchoa@lipsonneilson.com; brown@mmrs-law.com; siderman@mmrs-law.com
Cc: John Bailey; Rebecca Crooker
Subject: RE: Unite Here Health adv. State of Nevada - Case No. A-17-760558-B 25586

You have my approval. Thanks.

Matt Pruitt, Esq.
Alverson Taylor & Sanders
702.384.7000 | alversonstaylor.com

From: Jennifer Kennedy [mailto:JKennedy@baileykennedy.com]
Sent: Tuesday, August 11, 2020 9:09 AM
To: Jonathan Wong; AOchoa@lipsonneilson.com; brown@mmrs-law.com; siderman@mmrs-law.com; Matt Pruitt
Cc: John Bailey; Rebecca Crooker
Subject: Unite Here Health adv. State of Nevada - Case No. A-17-760558-B

Good morning,

Your electronic signatures have been affixed to the attached *Order Granting Defendants' Joint Motion to Extend Deadline for Defendants' Expert Disclosures (and Other Associated Deadlines) Due to COVID-19 Pandemic on Order Shortening Time*. Please reply to this email to confirm your authorization.

Thank you,
Jennifer

Jennifer Kennedy
Litigation Assistant to John R. Bailey
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Jennifer Kennedy

From: PruntyD@gtlaw.com
Sent: Monday, August 10, 2020 4:34 PM
To: John Bailey; ferrariom@gtlaw.com
Subject: RE: Richardson v. Milliman et al.; Case No. A-17-760558-C

Follow Up Flag: Flag for follow up
Flag Status: Flagged

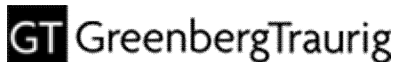
John,

No issues. You may affix my signature electronically.

Best,

Donald Prunty
Shareholder

Greenberg Traurig, LLP
10845 Griffith Peak Drive | Suite 600 | Las Vegas, NV 89135
T +1 702.938.6890
PruntyD@gtlaw.com | www.gtlaw.com | [View GT Biography](#)



From: John Bailey <JBailey@baileykennedy.com>
Sent: Monday, August 10, 2020 8:57 AM
To: Ferrario, Mark E. (Shld-LV-LT) <ferrariom@gtlaw.com>; Prunty, Donald L. (Shld-LV-LT) <PruntyD@gtlaw.com>
Subject: RE: Richardson v. Milliman et al.; Case No. A-17-760558-C

EXTERNAL TO GT

Mark & Don:

I'm following up on the email below and the proposed order (attached).

Please let me know today whether:

1. You approve of the form and content of the order and that I can affix your signature thereon; or
2. You disapprove of the form and content of the order whereupon I will change your signature block to so note.

Thanks. JRB

John R. Bailey
BAILEY KENNEDY, LLP
8984 Spanish Ridge Avenue
Las Vegas, Nevada 89148-1302