Case Nos. 85525 \& 85656

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United Healthcare Insurance Company;
United Health Care Services, Inc.; UMR, Inc.; Sierra Health and Life Insurance Company, Inc.; and Health Plan of Nevada, Inc., Appellants,
vs.
Fremont Emergency Services (Mandavia), Ltd.; Team Physicians of Nevada-Mandavia, P.C.; and Crum Stefanko and Jones, Ltd.,

Respondents.
United Healthcare Insurance Company;
United Health Care Services, Inc.; UMR, Inc.; Sierra Health and Life Insurance Company, Inc.; and Health Plan of Nevada, Inc., Petitioners,
vs.
The Eighth Judicial District Court of the State of Nevada, in and for the County of Clark; and the Honorable NANCY L. Allf, District Judge, Respondents,
vs.
Fremont Emergency Services (Mandavia), Ltd.; Team Physicians of Nevada-Mandavia, P.C.; and Crum Stefanko and Jones, Ltd.,

Real Parties in Interest.

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Case No. 85525

Case No. 85656

> APPELLANTS' APPENDIX VOLUME 71
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| 300 | Appendix of Exhibits in Support of Health Care Providers' Verified Memorandum of Cost Volume 6 | 03/14/22 | $\begin{aligned} & 58 \\ & 59 \end{aligned}$ | $\begin{aligned} & 14,422-14,500 \\ & 14,501-14,673 \end{aligned}$ |
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| 176 | Notice of Entry of Order Denying <br> Defendants' Motion in Limine No. 5 <br> Regarding Argument or Evidence that <br> Amounts TeamHealth Plaintiffs Billed for <br> Services are Reasonable [An Alternative <br> Motion to Motion in Limine No. 6] | $11 / 01 / 21$ | 29 | $7100-7111$ |
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|  | Defendants' Motion in Limine No. 8, Offered <br> in the Alternative to MIL No. 7, to Preclude <br> Plaintiffs from Offering Evidence as to the <br> Qualitative Value, Relative Value, Societal <br> Value, or Difficulty of the Services they <br> Provided |  |  |  |
| 179 | Notice of Entry of Order Denying <br> Defendants' Motion in Limine No. 10 to <br> Exclude Evidence of Defendants' Corporate <br> Structure (Alternative Motion to be <br> Considered Only if Court Denies Defendants' <br> Counterpart Motion in Limine No. 9) | $11 / 01 / 21$ | 29 | $7136-7147$ |
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| 182 | Notice of Entry of Order Denying <br> Defendants' Motion in Limine No. 14: Motion <br> Offered in the Alternative MIL No. 13 to <br> Preclude Plaintiffs from Contesting <br> Defendants' Defenses Relating to Claims <br> that were Subject to a Settlement Agreement <br> Between CollectRx and Data iSight; and <br> Defendants' Adoption of Specific Negotiation <br> Thresholds for Reimbursement Claims <br> Appealed or Contested by Plaintiffs | $11 / 01 / 21$ | 29 | $7172-7183$ |
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| 190 | Notice of Entry of Order Denying <br> Defendants' Motion in Limine to Preclude <br> Certain Expert Testimony and Fact Witness <br> Testimony by Plaintiffs' Non-Retained <br> Expert Robert Frantz, M.D. | $11 / 01 / 21$ | 30 | $7268-7279$ |
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| 335 | Notice of Entry of Order Granting Plaintiffs' <br> Motion to Modify Joint Pretrial <br> Memorandum Re: Punitive Damages on <br> Order Shortening Time | $06 / 29 / 22$ | 71 | $17,594-17,609$ |
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| 360 | Notice of Entry of Stipulation and Order <br> Regarding Expiration of Temporary Stay for <br> Sealed Redacted Transcripts | $10 / 25 / 22$ | 76 | $18,759-18,769$ |
| 282 | Notice of Entry of Stipulation and Order <br> Regarding Schedule for Submission of <br> Redactions | $02 / 08 / 22$ | 52 | $12,980-12,996$ |
| 111 | Notice of Entry Report and <br> Recommendations \#9 Regarding Pending <br> Motions | $07 / 01 / 21$ | 18 | $4313-4325$ |
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| 361 | Notice of Filing of Writ Petition | $11 / 17 / 22$ | 76 | $18,770-18855$ |
| 24 | Notice of Intent to Take Default as to: (1) <br> Defendant UnitedHealth Group, Inc. on All <br> Claims; and (2) All Defendants on the First <br> Amended Complaint's Eighth Claim for <br> Relief | $03 / 13 / 20$ | 3 | $699-750$ |
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| 333 | Notice of Supplemental Attorneys Fees <br> Incurred After Submission of Health Care <br> Providers' Motion for Attorneys Fees | $06 / 24 / 22$ | 70 | $17,470-17,500$ |
| 291 | Objection to Plaintiffs' Proposed Judgment <br> and Order Denying Motion to Apply <br> Statutory Cap on Punitive Damages | $03 / 04 / 22$ | 53 | $17,501-17,578$ |
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| 4 | Summons - United Health Care Services Inc. dba UnitedHealthcare | 04/25/19 | 1 | 23-25 |
| 5 | Summons - United Healthcare Insurance Company | 04/25/19 | 1 | 26-28 |
| 433 | Supplement to Defendants' Motion to Seal Certain Confidential Trial Exhibits (Filed | 12/08/21 | $\begin{aligned} & 110 \\ & 111 \end{aligned}$ | $\begin{aligned} & \hline 27,383-27,393 \\ & 27,394-27,400 \end{aligned}$ |


| Tab | Document | Date | Vol. | Pages |
| :---: | :---: | :---: | :---: | :---: |
|  | Under Seal) |  |  |  |
| 170 | Supplement to Defendants' Objection to Media Requests | 10/31/21 | 29 | 7019-7039 |
| 439 | Supplemental Appendix of Exhibits to Motion to Seal Certain Confidential Trial Exhibits - Volume 1 of 18 (Filed Under Seal) | 12/24/21 | 114 | 28,189-28,290 |
| 440 | Supplemental Appendix of Exhibits to Motion to Seal Certain Confidential Trial Exhibits - Volume 2 of 18 (Filed Under Seal) | 12/24/21 | $\begin{aligned} & 114 \\ & 115 \end{aligned}$ | $\begin{aligned} & 28,291-28,393 \\ & 28,394-28,484 \end{aligned}$ |
| 441 | Supplemental Appendix of Exhibits to Motion to Seal Certain Confidential Trial Exhibits - Volume 3 of 18 (Filed Under Seal) | 12/24/21 | $\begin{aligned} & 115 \\ & 116 \end{aligned}$ | $\begin{aligned} & 28,485-28,643 \\ & 28,644-28,742 \end{aligned}$ |
| 442 | Supplemental Appendix of Exhibits to Motion to Seal Certain Confidential Trial Exhibits - Volume 4 of 18 (Filed Under Seal) | 12/24/21 | $\begin{aligned} & 116 \\ & 117 \end{aligned}$ | $\begin{aligned} & 28,743-28,893 \\ & 28,894-28,938 \end{aligned}$ |
| 443 | Supplemental Appendix of Exhibits to Motion to Seal Certain Confidential Trial Exhibits - Volume 5 of 18 (Filed Under Seal) | 12/24/21 | 117 | 28,939-29,084 |
| 444 | Supplemental Appendix of Exhibits to Motion to Seal Certain Confidential Trial Exhibits - Volume 6 of 18 (Filed Under Seal) | 12/24/21 | $\begin{aligned} & 117 \\ & 118 \end{aligned}$ | $\begin{aligned} & 29,085-29,143 \\ & 29,144-29,219 \end{aligned}$ |
| 445 | Supplemental Appendix of Exhibits to Motion to Seal Certain Confidential Trial Exhibits - Volume 7 of 18 (Filed Under Seal) | 12/24/21 | 118 | 29,220-29,384 |
| 446 | Supplemental Appendix of Exhibits to Motion to Seal Certain Confidential Trial Exhibits - Volume 8 of 18 (Filed Under Seal) | 12/24/21 | $\begin{aligned} & 118 \\ & 119 \end{aligned}$ | $\begin{aligned} & 29,385-29,393 \\ & 29,394-29,527 \end{aligned}$ |
| 447 | Supplemental Appendix of Exhibits to Motion to Seal Certain Confidential Trial Exhibits - Volume 9 of 18 (Filed Under Seal) | 12/24/21 | $\begin{aligned} & 119 \\ & 120 \end{aligned}$ | $\begin{aligned} & 29,528-29,643 \\ & 29,644-29,727 \end{aligned}$ |
| 448 | Supplemental Appendix of Exhibits to Motion to Seal Certain Confidential Trial | 12/24/21 | $\begin{aligned} & 120 \\ & 121 \end{aligned}$ | $\begin{aligned} & 29,728-29,893 \\ & 29,894-29,907 \end{aligned}$ |


| Tab | Document | Date | Vol. | Pages |
| :---: | :--- | :---: | :---: | :---: |
| 449 | Exhibits - Volume 10 of 18 (Filed Under <br> Seal) |  |  |  |
|  | Supplemental Appendix of Exhibits to <br> Motion to Seal Certain Confidential Trial <br> Exhibits - Volume 11 of 18 (Filed Under <br> Seal) | $12 / 24 / 21$ | 121 | $29,908-30,051$ |
|  | Supplemental Appendix of Exhibits to <br> Motion to Seal Certain Confidential Trial <br> Exhibits - Volume 12 of 18 (Filed Under <br> Seal) | $12 / 24 / 21$ | 121 | $30,052-30,143$ |
| 451 | Supplemental Appendix of Exhibits to <br> Motion to Seal Certain Confidential Trial <br> Exhibits - Volume 13 of 18 (Filed Under <br> Seal) | $12 / 24 / 21$ | 122 | $30,144-30,297$ |
| 452 | Supplemental Appendix of Exhibits to <br> Motion to Seal Certain Confidential Trial <br> Exhibits - Volume 14 of 18 (Filed Under | $12 / 24 / 21$ | 123 | $30,517-30,643$ |
|  | Seal) |  | 124 | $30,644-30,677$ |
| 453 | Supplemental Appendix of Exhibits to <br> Motion to Seal Certain Confidential Trial <br> Exhibits - Volume 15 of 18 (Filed Under <br> Seal) | $12 / 24 / 21$ | 124 | $30,693-30,516$ |
| 454 | Supplemental Appendix of Exhibits to <br> Motion to Seal Certain Confidential Trial <br> Exhibits - Volume 16 of 18 (Filed Under <br> Seal) | $12 / 24 / 21$ | 124 | $30,836-30,893$ |
| 455 | Supplemental Appendix of Exhibits to <br> Motion to Seal Certain Confidential Trial <br> Exhibits - Volume 17 of 18 (Filed Under <br> Seal) | $12 / 24 / 21$ | 125 | $30,953-31,122$ |
| 456 | Supplemental Appendix of Exhibits to <br> Motion to Seal Certain Confidential Trial <br> Exhibits - Volume 18 of 18 (Filed Under | $12 / 24 / 21$ | 125 | $30,123-31,143$ |
|  |  | 126 | $31,144-31,258$ |  |
|  |  |  |  |  |


| Tab | Document | Date | Vol. | Pages |
| :---: | :---: | :---: | :---: | :---: |
|  | Seal) |  |  |  |
| 466 | Transcript of Proceedings re Hearing Regarding Unsealing Record (Filed Under Seal) | 10/05/22 | 129 | 31,923-31,943 |
| 350 | Transcript of Proceedings re Status Check | 10/10/22 | $\begin{aligned} & 72 \\ & 73 \end{aligned}$ | $\begin{aligned} & 17,994-18,000 \\ & 18,001-18,004 \end{aligned}$ |
| 467 | Transcript of Proceedings re Status Check (Filed Under Seal) | 10/06/22 | 129 | 31,944-31,953 |
| 157 | Transcript of Proceedings Re: Motions | 10/19/21 | $\begin{aligned} & 22 \\ & 23 \end{aligned}$ | $\begin{aligned} & \hline 5339-5500 \\ & 5501-5561 \end{aligned}$ |
| 160 | Transcript of Proceedings Re: Motions | 10/22/21 | $\begin{aligned} & 24 \\ & 25 \end{aligned}$ | $\begin{aligned} & 5908-6000 \\ & 6001-6115 \end{aligned}$ |
| 459 | Transcript of Proceedings Re: Motions (Filed Under Seal) | 01/12/22 | 127 | 31,501-31,596 |
| 460 | Transcript of Proceedings Re: Motions (Filed Under Seal) | 01/20/22 | $\begin{aligned} & \hline 127 \\ & 128 \end{aligned}$ | $\begin{aligned} & 31,597-31,643 \\ & 31,644-31,650 \end{aligned}$ |
| 461 | Transcript of Proceedings Re: Motions (Filed Under Seal) | 01/27/22 | 128 | 31,651-31,661 |
| 146 | Transcript of Proceedings Re: Motions (Via Blue Jeans) | 10/06/21 | 21 | 5202-5234 |
| 290 | Transcript of Proceedings Re: Motions Hearing | 02/17/22 | 53 | 13,098-13,160 |
| 319 | Transcript of Proceedings Re: Motions Hearing | 04/07/22 | 68 | 16,837-16,855 |
| 323 | Transcript of Proceedings Re: Motions Hearing | 04/21/22 | 69 | 17,102-17,113 |
| 336 | Transcript of Proceedings Re: Motions Hearing | 06/29/22 | 71 | 17,610-17,681 |
| 463 | Transcript of Proceedings Re: Motions Hearing (Filed Under Seal) | 02/10/22 | 128 | 31,673-31,793 |


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| 464 | Transcript of Proceedings Re: Motions Hearing (Filed Under Seal) | 02/16/22 | 128 | 31,794-31,887 |
| 38 | Transcript of Proceedings, All Pending Motions | 06/05/20 | 6 | 1350-1384 |
| 39 | Transcript of Proceedings, All Pending Motions | 06/09/20 | 6 | 1385-1471 |
| 46 | Transcript of Proceedings, Plaintiff's Motion to Compel Defendants' Production of Unredacted MultiPlan, Inc. Agreement | 07/29/20 | 7 | 1644-1663 |
| 482 | Transcript of Status Check (Filed Under Seal) | 10/10/22 | 142 | 35,248-35,258 |
| 492 | Transcript Re: Proposed Jury Instructions | 11/21/21 | 146 | 36,086-36,250 |
| 425 | Trial Brief Regarding Evidence and Argument Relating to Out-of-State Harms to Non-Parties (Filed Under Seal) | 10/31/21 | 109 | 26,953-26,964 |
| 232 | Trial Brief Regarding Jury Instructions on Formation of an Implied-In-Fact Contract | 11/16/21 | 41 | 10,198-10,231 |
| 233 | Trial Brief Regarding Jury Instructions on Unjust Enrichment | 11/16/21 | 41 | 10,232-10,248 |
| 484 | Trial Exhibit D5499 (Filed Under Seal) |  | $\begin{aligned} & 142 \\ & 143 \end{aligned}$ | $\begin{aligned} & \hline 35,264-35,393 \\ & 35,394-35,445 \end{aligned}$ |
| 362 | Trial Exhibit D5502 |  | $\begin{aligned} & 76 \\ & 77 \end{aligned}$ | $\begin{aligned} & 18,856-19,000 \\ & 19,001-19,143 \end{aligned}$ |
| 485 | Trial Exhibit D5506 (Filed Under Seal) |  | 143 | 35,446 |
| 372 | United's Motion to Compel Plaintiffs' Production of Documents About Which Plaintiffs' Witnesses Testified on Order Shortening Time (Filed Under Seal) | 06/24/21 | 82 | 20,266-20,290 |
| 112 | United's Reply in Support of Motion to Compel Plaintiffs' Production of Documents About Which Plaintiffs' Witnesses Testified | 07/12/21 | 18 | 4326-4340 |


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| :---: | :--- | :---: | :---: | :---: |
|  | on Order Shortening Time |  |  |  |
| 258 | Verdict(s) Submitted to Jury but Returned <br> Unsigned | $11 / 29 / 21$ | 49 | $12,047-12,048$ |

## Certificate of Service

I certify that on April 18, 2023, I submitted the foregoing appendix for filing via the Court's eFlex electronic filing system.

Electronic notification will be sent to the following:

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Kristen T. Gallagher
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Attorneys for Amicus Curiae (case no. 85656) (case no. 85656)

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, at Las Vegas, Nevada, addressed as follows:

The Honorable Nancy L. Allf District Court Judge - Dept. 27<br>200 Lewis Avenue<br>Las Vegas, Nevada 89155

Respondent (case no. 85656)

Joseph Y. Ahmad
John Zavitsanos
Jason S. McManis
Michael Killingsworth
Louis Liao
Jane L. Robinson
Patrick K. Leyendecker
Ahmad, Zavitsanos, \& Mensing, PLLC
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Attorneys for Respondents (case no. 85525)/Real Parties in Interest (case no. 85656)
/s/ Jessie M. Helm
An Employee of Lewis Roca Rothgerber Christie LLP

bttps://www.counsellink.net/reports/lb_summary_report.jsp?currency=p\&multiplelnvoices=T






5/26/22, 7:50 AM

$|$| 7 | $02 / 17 / 2022$ | None | Parking, Bankcard Center |
| :--- | :--- | :--- | :--- |
| 8 | $02 / 18 / 2022$ | None | Filing Fee, Bankcard Center |
| 9 | $02 / 18 / 2022$ | None | Transcripts, Bankcard Center <br> 49 |
| $03 / 22 / 2022$ | None | Overnight Delivery Service, <br> FedEx |  |
| 65 | $03 / 31 / 2022$ | None | EDiscovery Fees |


| _summary_report.jsp?currency=p\&multiplelnvoices=T |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | ---: |
| 1 | $\$ 21.00$ | $\$ 0.00$ | $(\$ 3.14)$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 17.86$ |
| 1 | $\$ 40.00$ | $\$ 0.00$ | $(\$ 5.99)$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 34.01$ |
| 1 | $\$ 261.80$ | $\$ 0.00$ | $(\$ 39.20)$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 222.60$ |
| 1 | $\$ 50.64$ | $\$ 0.00$ | $(\$ 7.58)$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 43.06$ |
| 1 | $\$ 6,229.80$ | $\$ 0.00$ | $(\$ 932.92)$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 5,296.88$ |
| Sub Total: | $\$ 0.00$ | $(\$ 1,161.00)$ | $\$ 0.00$ | $\$ 6,591.84$ |  |
| Grand Total: | $\$ 0.00$ | $(\$ 1,161.00)$ | $\$ 0.00$ | $\$ 113,116.34$ |  |

## Client Adjusted Charges Summary

| $\#$ | Date | Biller | Units | Adj. Amount <br> (USD) | Details |
| :---: | :---: | :---: | :---: | :---: | :---: |
| Sub-Total: |  |  |  |  |  |
| Grand Total: | $\$ 0.00$ |  |  |  |  |

## Invoice Overview Report - Law Firm Invoice ID: 12444985

| McDonald Carano Wilson, Las Vegas Please Remit Payment to: <br> P.O Box 2670 <br> Reno, NV 89505 <br> UNITED STATES <br> Tax ID: 88-0074283 |  |  |
| :---: | :---: | :---: |
| Invoice Information |  |  |
| ```TH Matter Number: 2019-CRP-1948 CounselLink Invoice (1D: 73418951``` | Invoice Currency: | US Dollar <br> $\$ 57,859.03$ |
| Law Firm Matter ID: 19438-3 <br> CounselLink Upload Date: $05 / 27 / 2022$ |  |  |
| Final Invoice: No <br> Submitted By: N/A <br> Attention: Phil McSween | Invoice Date: <br> Service Period: <br> Matter Contact: | $\begin{aligned} & 05 / 27 / 2022 \\ & 03 / 09 / 2022-04 / 30 / 2022 \end{aligned}$ <br> Owen, Carol |
| Corporate Customer: TEAMHealth Legal Billing Office Address: | Contact Office: <br> Contact Office Address: | Corporate <br> 265 Brookview Centre Way Suite 400 <br> Knoxville, TN 37919 |
| Matter Title: Case 34 - United NV Invoice Description: |  |  |

## Invoice Additional Information

Lawson Vendor ID: 78149
GL Account \#: 83220

Accounting Unit: 10300
Lawson Vendor ID-AP
Points:

Matter Spend Performance

| Matter | Actual <br> (USD) |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: |
| Life of Matter: |  |  |  |  | $\$ 15,544,363.69$ |


| Invoice Summary |  |  |  |  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Type | Amount | Client Adjustment | Invoice Adjustment | Tax | Cost <br> Share | Net | Prompt Pay Discount | Approved to Date | Net to Pay |
| Fees (USD): | \$51,602.50 | (\$222.00) | \$0.00 | \$0.00 | \$0.00 | \$51,380.50 | \$0.00 | \$0.00 | \$51,380.50 |
| Expenses (USD): | \$6,478.53 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$6,478.53 | \$0.00 | \$0.00 | \$6,478.53 |
| Total (USD): | \$58,081.03 | (\$222.00) | \$0.00 | \$0.00 | \$0.00 | \$57,859.03 | \$0.00 | \$0.00 | \$57,859.03 |

## Allocation Summary

| Contact <br> Charge Type | Allocated <br> Amount <br> (USD) | Cost <br> Share <br> (USD) | Net <br> (USD) | Prompt <br> Pay <br> Discount <br> (USD) | Net To <br> Pay <br> (USD) |
| :---: | :---: | :---: | :---: | :---: | :---: |


| Fees - 100.000000\% - Balance Remaining |  | \$51,380.50 | \$0.00 | \$51,380.50 | \$0.00 | \$51,380,50 |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Expenses - 100.000000\% - Balance Remaining |  | \$6,478.53 | \$0.00 | \$6,478.53 | \$0.00 | \$6,478.53 |
|  | Sub-Total: | \$57,859.03 | \$0.00 | \$57,859.03 | \$0.00 | \$57,859.03 |
| +Cost Sharing; $\ddagger$ Track Limit Overage | Total: | \$57,859.03 | \$0.00 | \$57,859.03 | \$0.00 | \$57,859.03 |


| Approval Summary | User |  |  |
| :--- | :--- | :--- | :--- |
| Date |  | Amount <br> (USD) |  |
| $06 / 02 / 2022$ |  | Owen, Carol | $\$ 57,859.03$ |
|  |  | Total: | $\$ 57,859.03$ |

## Timekeeper Summary

| Timekeeper | Timekeeper ID | Level | Rate | Units | Fees Billed <br> (USD) | Fees Recommended <br> (USD) |
| :--- | :---: | :---: | :---: | :---: | ---: | ---: |
| Armendariz, Julia | JLA | Associate | $\$ 275.00$ | 7.9 | $\$ 2,172.50$ | $\$ 2,172.50$ |
| Surowiec, Karen | KAS | Paralegal | $\$ 185.00$ | 6 | $\$ 1,110.00$ | $\$ 888.00$ |
| Gallagher, Kristen | KTG | Partner | $\$ 450.00$ | 2.8 | $\$ 1,260.00$ | $\$ 1,260.00$ |
| Lundvall, Pat | PL | Partner | $\$ 650.00$ | 72.4 | $\$ 47,060.00$ | $\$ 47,060.00$ |

## Charges Summary

| Fees |  |  |  |  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| \# | Date | Timekeeper | Description | Units | $\begin{aligned} & \text { Rate } \\ & \text { (USD) } \end{aligned}$ | Adj. (USD) | Inv. Adj. (USD) | $\begin{gathered} \operatorname{Tax} \\ \text { (USD) } \end{gathered}$ | $\begin{gathered} \text { Net } \\ \text { (USD) } \end{gathered}$ |
| Email with Beau Nelson and team re Notice of Hearing re |  |  |  |  |  |  |  |  |  |
| 6 | 04/01/2022 | Lundvall, Pat | emails with Jane Robinson and team re $\square$ multiple emails with Brittany Llewellyn and all counsel re extension request regarding responses re motion to retax costs and motion for attorneys' fees, emails with Carol Owen and team re | 4.2 | \$650.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$2,730.00 |
|  |  |  | emails with Brittany Llewellyn and all counsel re same and case management re edits/approval, research re supplements to bill of costs |  |  |  |  |  |  |
| 7 | 04/01/2022 | Surowiec, Karen |  | 1.2 | \$185.00 | (\$222.00) | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$0.00 |
| 8 | 04/04/2022 | Lundvall, Pat | Email with Beau Nelson and team re Stipulation And Order To Extend Deadlines Regarding | 0.3 | \$650.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$195.00 |

https://www.counsellink.net/reports/b_summary_report.jsp?currency=p\&multiplelnvoices=T






| Client Adjusted Charges Summary |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: |
| \# | Date | Biller | Units | Adj. <br> Amount (USD) | Details |
| CCR10 - Incorrect Matter: These charges are billed to the incorrect matter. |  |  |  |  |  |

## Invoice Overview Report - Law Firm Invoice ID: 423312

Ahmad, Zavitsanos \& Mensing, P.C.
Please Remit Payment to: 1221 McKinney street Suite 2500 Houston, TX 77010 UNITED STATES Tax ID: 760407464

| Invoice Information |  |  |
| :---: | :---: | :---: |
| TH Matter Number: 2019-CRP-1948 | Invoice Currency: | US Dollar |
| CounselLink Invoice 72829010 | NET TO PAY (USD): | \$266,643.99 |
| $\begin{aligned} \text { Law Firm Matter ID: } & \text { TMH. } 010 \\ \text { CounselLink Upload } & 02 / 22 / 2022 \end{aligned}$ |  |  |
| Final Invoice: No | Invoice Date: | 01/31/2022 |
| Submitted By: N/A | Service Period: | 12/10/2021-01/31/2022 |
| Attention: Phil McSween | Matter Contact: | Owen, Carol |
| Corporate Customer: TEAMHealth Legal | Contact Office: | Corporate |
| Billing Office Address: | Contact Office Address: | 265 Brookview Centre Way Suite 400 Knoxville, TN 37919 |
| Matter Title: Case 34 - United NV |  |  |
| Invoice Description: |  |  |

## Invoice Additional Information

| Lawson Vendor ID: 85738 | Accounting Unit: 10300 |
| :---: | :---: |
| GL Account \#: 83220 | Lawson Vendor ID-AP |
| Points: |  |

Matter Spend Performance

| Matter |  | Actual <br> (USD) |  |
| :---: | :---: | :---: | :---: |
| Life of Matter: |  |  |  |

## Invoice Summary

| Type | Amount | Client <br> Adjustment | Invoice Adjustment | Tax | Cost Share | Net | Prompt Pay Discount | Approved to Date | Net to Pay |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Fees (USD): | \$137,024.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$137,024.00 | \$0.00 | \$0.00 | \$137,024.00 |
| Expenses <br> (USD): | \$129,619.99 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$129,619.99 | \$0.00 | \$0.00 | \$129,619.99 |
| $\begin{aligned} & \text { Total } \\ & \text { (USD): } \end{aligned}$ | \$266,643.99 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$266,643.99 | \$0.00 | \$0.00 | \$266,643.99 |

## Allocation Summary

Contact
Charge Type
Allocated
Amount

| Cost | Net | Prompt |
| :---: | :---: | :---: |
| Share | (USD) | Pay |

Net To Pay (USD)

|  | (USD) | (USD) |  | Discount (USD) |  |
| :---: | :---: | :---: | :---: | :---: | :---: |
| DEFAULT ALLOCATION |  |  |  |  |  |
| Fees - 100.000000\% - Balance Remaining | \$137,024.00 | \$0.00 | \$137,024.00 | \$0.00 | \$137,024.00 |
| Expenses-100.000000\% - Balance Remaining | \$129,619.99 | \$0.00 | \$129,619.99 | \$0.00 | \$129,619.99 |
| Sub-Total: | \$266,643.99 | \$0.00 | \$266,643.99 | \$0.00 | \$266,643.99 |
| +Cost Sharing; $\ddagger$ Track Limit Overage | \$266,643.99 | \$0.00 | \$266,643.99 | \$0.00 | \$266,643.99 |

## Approval Summary

|  | Date | User | Amount <br> (USD) |
| :---: | :---: | :---: | :---: |
| $02 / 23 / 2022$ |  | McSween, Phil | Total: |

## Timekeeper Summary

| Timekeeper | Timekeeper ID | Level | Rate | Units | Fees Billed (USD) | Fees Recommended (USD) |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Deres, F. Ruth | FRD | Paralegal | \$185.00 | 2.8 | \$518.00 | \$518.00 |
| Robinson, Jane | JLR | Partner | \$595.00 | 39.6 | \$23,562.00 | \$23,562.00 |
| McManis, Jason S. | JSM | Partner | \$475.00 | 53.7 | \$25,507.50 | \$25,507.50 |
| Ahmad, Joseph | JYA | Partner | \$750.00 | 21.2 | \$15,900.00 | \$15,900.00 |
| Zavitsanos, John | JZ | Partner | \$750.00 | 31.9 | \$23,925.00 | \$23,925.00 |
| Peter, Lynette | LCP | Paralegal | \$250.00 | 0.3 | \$75.00 | \$75.00 |
| Liao, Louis | LL | Associate | \$320.00 | 8.1 | \$2,592.00 | \$2,592.00 |
| Killingsworth, Michael | MAK | Associate | \$320.00 | 11.2 | \$3,584.00 | \$3,584.00 |
| Flores, Myrna D. | MDF | Paralegal | \$230.00 | 8.4 | \$1,932.00 | \$1,932.00 |
| Rivers, Michelle | MDR | Paralegal | \$235.00 | 2.7 | \$634.50 | \$634.50 |
| Leyendecker, Kevin | PKL | Of Counsel | \$595.00 | 65.2 | \$38,794.00 | \$38,794.00 |


| Charges Summary |  |  |  |  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Fees |  |  |  |  |  |  |  |  |  |
| \# | Date | Timekeeper | Description | Units | Rate (USD) | Adj. (USD) | Inv. Adj. (USD) | $\begin{gathered} \text { Tax } \\ \text { (USD) } \end{gathered}$ | Net (USD) |
| 5 | 01/03/2022 | Robinson, Jane | Review correspondence regarding Multiplan's motion to seal. Review notice of hearing regarding United's motion to cap punitive damages award. | 0.4 | \$595.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$238.00 |
| 6 | 01/03/2022 | McManis, Jason S. | Research Louisiana State Bar information for MultiPlan's counsel. Correspond with opposing counsel regarding certificate of good standing issue. | 0.6 | \$475.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$285.00 |
| 8 | 01/04/2022 | Zavitsanos, John | Numerous emails with Mr. Roberts about United's alleged privacy concerns for documents previously put on TeamHealth website. Working on motion for fees. | 2.1 | \$750.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$1,575.00 |
| 9 | 01/05/2022 | Zavitsanos, John | Working on response to punitive damages cap motion. Review of defendants' proposed order denying | 1.3 | \$750.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$975.00 |


| 10 | $01 / 05 / 2022$ | Ahmad, <br> Joseph |
| :---: | :---: | :---: |
| 11 | $01 / 05 / 2022$ | Rivers, <br> Michelle |

judgment as a matter of law. Review of defendants' objection to plaintiffs' proposed order.
Exchange additional emails with Mr. Roberts about documents which had been posted on TeamHealth website.
Discuss issue regarding
punitives cap. Review
Defendant's motion for judgment as a matter of law.
Review and organize multiple case emails and pleadings.
Review and analyze objection to proposed order denying motion for directed verdict. Confer with team regarding strategy and timing for any response.

13 01/05/2022
Contacted Litigation Services
for video files from Dr. Scherr's deposition.
Begin preparing for January 12
hearing and discuss same with John Zavitsanos. Review United's objection to order on judgment as matter of law and evaluate transcript regarding same. Confer with team regarding possible response to United's objection.

15 \begin{tabular}{|ccc}

16 \& $01 / 06 / 2022$ \& | Zavitsanos, |
| :---: |
| John | <br>

17 \& $01 / 06 / 2022$ \& | Rivers, |
| :---: |
| Michelle | <br>

\hline $1 / 06 / 2022$ \& | Robinson, |
| :---: |
| Jane |

\end{tabular}

Review of order denying
Defendants' motion for
judgment as a matter of law.
Review multiple case emails
and filings.
Review court's order denying Defendants' motion for judgment as a matter of law and correspond with team regarding same. Confer with team regarding and review status of outstanding motions. Review recent filings by the court and parties.
Review United's reply in support of motion to seal. Work on identifying key arguments for January 12 hearing.
Assist Jason McManis with
securing Everlaw access on documents produced from McDonald Carano.
Prepare for team meeting. Research regarding and review procedures for recovery of 20 01/07/2022 $\begin{gathered}\text { Robinson, } \\ \text { Jane }\end{gathered}$ costs. Analyze and confer with team regarding $\square$
 21 01/07/2022 $\begin{gathered}\text { Killingsworth, } \\ \text { Michael }\end{gathered}$

Weekly update call to discuss motion to seal and 0.4

| 0.4 | $\$ 320.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 128.00$ |
| :---: | :---: | :---: | :---: | :---: | :---: |
| 1 | $\$ 185.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 185.00$ |
| 1.1 | $\$ 475.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 522.50$ |

\$1,071.00
$\$ 0.00 \quad(0 \%)$
\$75.00
$1.8 \quad \$ 595.00$
\$617.50
$\$ 0.00$
$\$ 654.50$

$1.3 \quad \$ 475.00 \quad \$ 0.00 \quad \$ 0.00 \quad$ (0\%)
(0\%)
\$117.50
\$595.00
\$18.50
\$617.50
\$75.00
\$94.00
1.

| 0.1 | $\$ 750.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 75.00$ |
| :---: | :---: | :---: | :---: | :---: | :---: |
| 0.4 | $\$ 235.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 94.00$ |

24 01/08/2022

25 01/08/2022
26 01/08/2022

27 01/08/2022
Leyendecker,
Kevin Killingsworth, Michael Killingsworth, Michael

McManis, Jason S.
27 01/08/2022
from United to identify examples of improper requests for use at upcoming hearing.
Working on opposition to the motion to enforce the punitive cap and cross motion for entry of judgment.
Analysis of
with Kevin Leyendecker.
Research admitted exhibit issue for motion to seal.
Prepare for motion to seal hearing. Work on analysis of punitive statute cap and arguments in response to United's motion to apply the caps.
Working on opposition to the 28 01/09/2022 Leyendecker, motion to enforce the punitive cap and cross motion for entry of judgment.
29 01/09/2022

30 01/09/2022

32 01/10/2022

| Kevin | cap and cross motion for entry <br> of judgment. |
| :---: | :--- |
| Killingsworth, <br> Michael | Research burden of proof for |


$10.6 \quad \$ 595.00 \quad \$ 0.00 \quad \$ 0.00$| $\$ 0.00$ |
| :---: |
| $(0 \%)$ |$\quad \$ 6,307.00$


| 8.8 | $\$ 595.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 5,236.00$ |
| :---: | :---: | :---: | :---: | :---: | ---: |
| 0.2 | $\$ 320.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 64.00$ |
| 0.1 | $\$ 320.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 32.00$ |
|  |  |  |  |  |  |


$3.7 \quad \$ 475.00 \quad \$ 0.00 \quad \$ 0.00$| $\$ 0.00$ |
| :---: | :---: |
| $(0 \%)$ |$\$ 1,757.50$

$34 \quad 01 / 10 / 2022 \begin{gathered}\text { Leyendecker, } \\ \text { Kevin }\end{gathered}$
35 01/10/2022 $\begin{gathered}\text { Killingsworth, } \\ \text { Michael }\end{gathered}$
Review draft Opposition to United's Motion to Enforce the Punitive Damages Cap. Review 36 01/10/2022 Liao, Louis

Motion for Judgment. Research
Comment on draft
briefing from Kevin
Leyendecker.
Per Louis Liao
37 01/10/2022


## 38 01/10/2022 McManis, Jason S.

| 38 | 01/10/2022 | McManis, Jason S. |
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| 39 | 01/11/2022 | Zavitsanos, John |
| 40 | 01/11/2022 | Ahmad, Joseph |
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|  |  |  |
|  |  |  |
| 41 | 01/11/2022 | Robinson, Jane |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
| 42 | 01/11/2022 | Leyendecker, Kevin |

Work on revisions to opposition
to United's motion to enforce the cap. Research case law cited by United regarding $\square$ nd discuss
analysis with Kevin Leyendecker. Review case law addressing
$\square$ and provide analysis on same to team for briefing in opposition. Prepare for hearing on United's motion to seal. Review United's motion to seal hearing on motion to seal trial exhibits and correspond with team regarding same.
Travel from Houston to Las Vegas for hearing on January 12. Prepare for same.

Travel to Las Vegas for Hearing.
Review and analyze United's motion to apply cap to punitive damages. Review recent filings, including regarding defendants' motion to seal the courtroom.
Continue review of trial


## Review

Review draft proposed judgment.
Continue working on response to motion to enforce cap and motion for judgment, including revising the brief, studying the defendants cases more closely and preparing judgment calculations focusing on $\square$ land calculations and circulating the same.
Received and reviewed all communications regarding the proposed judgment and opposition to motion to enforce cap, updated file.
Review and edit motion for breaking the cap.
Continue revising draft Opposition to United's Motion to Enforce the Punitive Damages Cap and draft Motion for Judgment. Research authorities relating to the same. Confer with Kevin Leyendecker about the same.

46 01/11/2022 McManis, Jason S.

Zavitsanos,
John
43 01/11/2022 Flores, Myrna
D.

Killingsworth, Michael
44 01/11/2022

45 01/11/2022 Liao, Louis
$47 \quad 01 / 12 / 2022$

Prepare for hearing on United's motion to seal.

Prepare for and attend hearing on defendants motion to seal; Meeting with alternate juror to obtain feedback and suggestions.
$5.7 \quad \$ 475.00 \quad \$ 0.00 \quad \$ 0.00 \quad \$ 0.00$
(0\%)

| 4.9 | $\$ 750.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ |
| :---: | :---: | :---: | :---: | :---: |
| 4.5 | $\$ 750.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ |

\$3,675.00
\$3,375.00
\$1,130.50


$\$ 750.00$
$6.3 \quad \$ 750.00 \quad \$ 0.00 \quad \$ 0.00$
\$544.00
\$4,322.50




Attend hearing on motions to seal and other assorted motions. Discuss motions with J. McManis and J. Zavitsanos beforehand. Meeting with alternate Juror regarding same.
Research regarding

Correspond with team regarding revisions to and strategy for motion for judgment and opposition to defendants' motion to impose cap, and regarding opposition to motion to seal. Review and analyze draft opposition to motion to impose punitive damages cap and provide proposed revisions. Attend hearing regarding motion to seal. Continue to review and analyze defendants' motion regarding punitive damages cap.
Continue revising the opposition and motion for entry of judgment. Incorporating additional feedback from Carol and Jane Robinson. Various discussions with Justin and Louis related to matters in the brief. Double checking my prompt pay calculations and fixing an interest calculation to add the penalty $6 \%$.
Received and reviewed all communications regarding the hearing today and attended. Received/reviewed Opposition to Motion to Enforce Cap and motion for Judgment, updated file. Received/reviewed the summary of ruling from J. McManis, updated file.
Edit response to motion to seal courtroom. Hearing on motion to seal courtroom.
Continue revising draft Opposition to United's Motion to Enforce the Punitive Damages Cap and draft Motion for Judgment.

54 \begin{tabular}{cccl}

$54 / 12 / 2022$ \& | McManis, |
| :---: |
| Jason S. |
| 55 | \& $01 / 13 / 2022$ \& | Zavitsanos, |
| :---: |
| John |


 

Prepare for and argue United's <br>
motion to seal.
\end{tabular} insert addressing potential recovery of actual damages for both statutory and commonlaw claims. Continue analysis

10.8
$\$ 750.00$
$\$ 0.00$
$\$ 0.00$
$\$ 0.00$
$(0 \%)$
\$8,100.00
$7.9 \quad \$ 595.00 \quad \$ 0.00 \quad \$ 0.00 \quad \$ 0.00$
(0\%)
\$4,700.50
\$4,938.50
\$288.00
\$224.00
\$4,417.50
\$3,225.00
\$3,300.00
$\$ 117.50$
\$2,915.50
(0\%)
of briefing on punitives cap and draft reply. Review administrative order from Eighth Judicial District regarding hearings. Participate in call with AZA, McDonald Carano, and Lash \& Goldberg
team regarding strategy for


Studying Justin's proposed motion for judgment that seeks actual damages for more than one cause of action. Participate in Team call to discuss among counsel Justin's proposed motion for entry of judgment that seeks actuals for two claims. Updating the motion based on additional feedback discussed during the counsel call.
Analysis of motion for cap or seeking double recovery under common law and statutory regime with team.

Review and analyze MultiPlan's reply in support of motion to seal. Reach out to opposing counsel regarding post-trial 61 01/13/2022 McManis, briefing schedule. Analyze issues relating to recovery of statutory and common law compensatory damages.
Review brief regarding same from Lash \& Goldberg.
Prepare for and meet with team to analyze strategy in motion for judgment. Analyze and confer with team regarding strategy for judgment and appeal.
Participate in meetings with Carol, John Z and team to discuss motion to recover actuals under more than once cause of action. Updating the Opposition and motion for entry of judgment Justin's version with Pat's comments from yesterday's call.
Reviewed United's motion to seal and create list of exhibits to be made public, sent to attorneys for review and received response. Sent communication and spoke with clerk regarding a hearing date in February for the final judgment sent J. McManis a note. Sent communication to M. Jones regarding exhibits to be unsealed, received response and informed J. McManis and M. Killingsworth a note.

| 65 | $01 / 14 / 2022$ | Killingsworth, <br> Michael | Team call to discuss busting <br> cap and stacking claims. |
| :---: | :---: | :---: | :---: |
| 66 | $01 / 14 / 2022$ | McManis, <br> Jason S. | Negotiate post-trial briefing <br> schedule with United. Begin |



| 67 | $01 / 14 / 2022$ | McManis, <br> Jason S. |
| :---: | :---: | :---: |
| 68 | $01 / 17 / 2022$ | Zavitsanos, | John

69 01/17/2022 Robinson, Jane

70 01/17/2022 Leyendecker, Kevin
01/17/2022

71 01/18/2022

72 01/18/2022
$73 \quad 01 / 18 / 2022$

Flores, Myrna
D.

71 \begin{tabular}{ccc}

\& $01 / 18 / 2022$ \& | Zavitsanos, |
| :---: |
| John | <br>

72 \& $01 / 18 / 2022$ \& | Rivers, |
| :---: |
| Michelle |

\end{tabular}

working on finalizing redactions and unsealing documents with opposing counsel, including protocol for unsealing documents immediately. Discuss with team strategy for seeking judgment and punitives and evaluation of stacking multiple compensatory claims.
Correspond with opposing counsel regarding motion to seal.
Review of draft response to motion for judgment.
Analyze and confer with attorneys from Messner regarding review of response to Defendants' motion regarding the punitive damages cap and cross-motion for judgment.
Reviewing and updating the response to the punitive damage motion and our motion for judgment following Friday's team meetings and decision, including updating to incorporate Pat's comments regardin
Prepare for hearing on MultiPlan's motion to seal. Review of updated draft of motion to apply caps.
Review multiple case emails and filings.
Sent K. Lawrence a follow up communication regarding hearing on the final judgment and responded to communication from J. McManis. Sent communication to M. Jones regarding the exhibits and those that were not part of United's Motion to Seal and sent the attorneys a note. Reviewed all communications regarding the hearing on Multiplan's motion to seal and discussed with A. Keniston, updated file. Spoke with Walter in the Evidence Vault regarding making exhibits public and sent M. Killingsworth and J. McManis a note. Received/reviewed Notice of Hearing on Multiplan, Inc.'s Motion for Leave to File Appendix of Selected Exhibits Covered by its Motion to Seal Same, Notice of Hearing on Multiplan, Inc.'s Motion to Associate Counsel and Supplement to Multiplan Inc's Motion to Associate Counsel, updated file. Received and reviewed Multiplans Motion to file Appendix of Selected Exhibits and Motion to associate counsel and shorten time, updated file.
76
77
78
79

79 01/19/2022
Flores, Myrna
D.
01/19/2022
Robinson,
Jane

78 01/19/2022 Leyendecker, Kevin and edits into the opposition to enforce the cap and cross motion for judgment.
Received and reviewed Multiplan's Motion to Seal Courtroom for $1 / 20$ hearing, updated file.
Sent J. McManis note regarding the February hearing date on the final judgment. Reviewed
80 01/19/2022 Flores, Myrna D. defendants admitted exhibits and the motions to seal for exhibits that should be public, sent M. Killingsworth and J. McManis information.
Received communication from J. McManis regarding the 81 01/19/2022 Flores, Myrna D. hearing date in February and emailed the clerk. Received and reviewed minute order regarding hearing scheduled on 1-20, updated record.
82 01/19/2022 Killingsworth, Draft response to multiplan Michael motion to seal courtroom. Prepare for hearing on Prepare for hearing on
MultiPlan's motion to seal.
Prepare for and participate in MultiPlan motion to seal.
85 01/20/2022 Zavitsanos, John Numerous emails concerning same. Further revisions to response to motion to apply caps. Meet to discuss same.
Research regarding defendants' arguments relating to punitive cap and distinguish defendants' cases in response brief. Review and analyze comments, edits, and research prepared by Ms. Calvert at Messner. Review and revise draft response to punitive damages motion and cross-motion for judgment. Review draft judgment and confer with Ms. Calvert and Ms. Finch regarding same. Attend hearing regarding Multiplan's motion to seal.
87 01/20/2022 Flores, Myrna
D.

Received/reviewed
communications regarding the Multiplan motion to seal, updated file. Forwarded defendants exhibits to be made public to court IT, updated file.
Received and reviewed communications regarding the punitive cap brief and reviewed draft, updated file. Received and reviewed filed Plaintiffs' Opposition To Defendants' Motion To Apply Statutory Cap On Punitive Damages and PLaintiffs Cross Motion for

\$1,050.00
1,050.00

,
$3.4 \quad \$ 595.00 \quad \$ 0.00 \quad \$ 0.00 \begin{array}{cc}\$ 0.00 \\ (0 \%) & \$ 2,023.00\end{array}$

$2.8 \quad \$ 595.00 \quad \$ 0.00 \quad \$ 0.00$| $\$ 0.00$ |  |
| :---: | :---: | :---: |
| $(0 \%)$ | $\$ 1,666.00$ |


| 0.2 | $\$ 230.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $(0 \%)$ |
| :--- | :--- | :--- | :--- | :--- | :--- |


$0.7 \quad \$ 230.00 \quad \$ 0.00 \quad \$ 0.00$| $\$ 0.00$ | $\$ 161.00$ |
| :---: | :---: | :---: |

0.2 \begin{tabular}{llllcl}

$\$ 230.00$ \& $\$ 0.00$ \& $\$ 0.00$ \& | $\$ 0.00$ |
| :---: |
| $(0 \%)$ | \& $\$ 46.00$

\end{tabular}

| 0.6 | $\$ 320.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 192.00$ |
| :--- | :--- | :--- | :--- | :---: | ---: |
| 2.9 | $\$ 475.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 1,377.50$ |

$\$ 0.00 \quad \$ 0.00$
\$161.00
(0\%)

McManis, Jason S.
104 01/27/2022 John

| 103 | $01 / 26 / 2022$ | McManis, <br> Jason S. |
| :---: | :---: | :---: |
| 104 | $01 / 27 / 2022$ | Zavitsanos, <br> John |

105 01/27/2022 Flores, Myrna
D.

106 01/27/2022 Jason S.
all additional communications
regarding the status conference, updated file.
Received and reviewed communications regarding hearing scheduled for $1 / 27$ regarding sealing of exhibits, updated file.

Draft notice of non-compliance for filing and prepare for status conference.
Prepare for and participate in hearing on United and MultiPlan's motion to seal.

Attended hearing.
Received/reviewed proposed order regarding redaction schedule, updated file.

Review and analyze United's notice regarding status conference. Prepare for and attend status conference regarding redactions. Draft proposed order setting schedule and correspond with opposing counsel regarding same.
107 01/28/2022
Killingsworth, Michael

Weekly call to discuss motion to unseal.
Work on proposed order.
Weekly strategy call to discuss plans for sealing hearing and upcoming hearing on final judgment.
Evaluate next steps in sealing motions. Prepare for hearing on motion to bust cap.
Confer with team regarding motion for judgment, motion regarding punitives cap, and other post-trial issues.

111 01/31/2022

112 01/31/2022
McManis, Jason S. order and entry of same.

108 01/28/2022 | McManis, |
| :--- |
| Jason S. |

109 01/28/2022 $\begin{gathered}\text { Zavitsanos, } \\ \text { John }\end{gathered}$

110 01/28/2022 | Robinson, |
| :---: |
| Jane |

Review court notice regarding proposed order for schedule of redactions.
Work on finalizing proposed

| 1.2 | $\$ 475.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 570.00$ |
| :---: | :---: | :---: | :---: | :---: | :---: |
| 1.8 | $\$ 750.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 1,350.00$ |


| 0.4 | $\$ 230.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 92.00$ |
| :--- | :--- | :--- | :--- | :--- | :--- |

$2.4 \quad \$ 475.00 \quad \$ 0.00 \quad \$ 0.00 \quad \$ 0.00$
\$64.00
\$332.50

## Expenses

| \# | Date | Timekeeper | Description | Units | Rate (USD) | Adj. (USD) | Inv. Adj. (USD) | $\begin{gathered} \operatorname{Tax} \\ \text { (USD) } \end{gathered}$ | Net (USD) |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| 1 | 12/10/2021 | Unknown | Courier services during trial Junes Legal Service, Inc. | 1 | \$7,514.93 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$7,514.93 |
| 2 | 12/24/2021 | Unknown | Courier charges Mach 5 Couriers | 1 | \$84.95 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$84.95 |
| 3 | 12/30/2021 | Unknown | Parking at trial J. Ahmad | 1 | \$10.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$10.00 |
| 4 | 01/01/2022 | Unknown | Parking at trial J. Ahmad | 1 | \$344.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$344.00 |
| 7 | 01/04/2022 | Unknown | Remaining balance of hotel and catering fees during trial A . Townsend | 1 | \$116,077.05 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$116,077.05 |
| 31 | 01/10/2022 | Unknown | Parking while traveling to attend trial J. Ahmad | 1 | \$144.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$144.00 |
| 74 | 01/19/2022 | Unknown | Airfare to attend sealing | 1 | \$817.20 | \$0.00 | \$0.00 | \$0.00 | \$817.20 |



## Invoice Overview Report - Law Firm Invoice ID: 423450

Ahmad, Zavitsanos \& Mensing, P.C.
Please Remit Payment to:
1221 McKinney street
Suite 2500
Houston, TX 77010
UNITED STATES
Tax ID: 760407464


| Invoice Additional Information |  |
| :---: | :---: |
| Lawson Vendor ID: 85738 | Accounting Unit: 10300 |
| GL Account \#: 83220 | Lawson Vendor ID-AP |
| Points: |  |



## Invoice Summary

| Type | Amount | Client <br> Adjustment | Invoice <br> Adjustment | Tax | Cost <br> Share | Net | Prompt <br> Pay <br> Discount | Approved <br> to Date | Net to Pay |
| ---: | ---: | ---: | ---: | ---: | ---: | ---: | ---: | ---: | ---: |
| Fees (USD):$\$ 156,184.50$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 156,184.50$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 156,184.50$ |  |
| Expenses <br> (USD): | $\$ 5,297.81$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 5,297.81$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 5,297.81$ |
| Total <br> (USD):$\$ 161,482.31$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 161,482.31$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 161,482.31$ |  |

## Allocation Summary

| Contact | Allocated <br> Amount | Cost <br> Share | Net <br> (USD) | Prompt <br> Pay | Net To Pay <br> (USD) |
| :---: | :---: | :---: | :---: | :---: | :---: |


|  | (USD) | (USD) |  | Discount (USD) |  |
| :---: | :---: | :---: | :---: | :---: | :---: |
| DEFAULT ALLOCATION |  |  |  |  |  |
| Fees - 100.000000\% - Balance Remaining | \$156,184. 50 | \$0.00 | \$156,184.50 | \$0.00 | \$156,184. 50 |
| Expenses - 100.000000\% - Balance Remaining | \$5,297.81 | \$0.00 | \$5,297.81 | \$0.00 | \$5,297.81 |
| Sub-Total: | \$161,482.31 | \$0.00 | \$161,482.31 | \$0.00 | \$161,482.31 |
| +Cost Sharing; $\ddagger$ Track Limit Overage | \$161,482.31 | \$0.00 | \$161,482.31 | \$0.00 | \$161,482.31 |


| Approval Summary |  |  |  |
| :---: | :---: | :---: | :---: |
| Date |  | User | Amount <br> (USD) |
| $03 / 22 / 2022$ |  | McSween, Phil |  |
|  |  | Total: | $\$ 161,482.31$ |

## Timekeeper Summary

| Timekeeper | Timekeeper ID | Level | Rate | Units | Fees Billed <br> $($ USD $)$ | Fees Recommended <br> (USD) |
| :--- | :---: | :---: | :---: | ---: | ---: | ---: |
| Green, Hilary | HSG | Senior Associate | $\$ 525.00$ | 0.2 | $\$ 105.00$ | $\$ 105.00$ |
| Robinson, Jane | JLR | Partner | $\$ 595.00$ | 36.3 | $\$ 21,598.50$ | $\$ 21,598.50$ |
| McManis, Jason S. | JSM | Partner | $\$ 475.00$ | 81.2 | $\$ 38,570.00$ | $\$ 38,570.00$ |
| Ahmad, Joseph | JYA | Partner | $\$ 750.00$ | 27 | $\$ 20,250.00$ | $\$ 20,250.00$ |
| Zavitsanos, John | JZ | Partner | $\$ 750.00$ | 54.2 | $\$ 40,650.00$ | $\$ 40,650.00$ |
| Liao, Louis | LL | Associate | $\$ 320.00$ | 2.4 | $\$ 768.00$ | $\$ 768.00$ |
| Killingsworth, Michael | MAK | Associate | $\$ 320.00$ | 24.5 | $\$ 7,840.00$ | $\$ 7,840.00$ |
| Flores, Myrna D. | MDF | Paralegal | $\$ 230.00$ | 9.9 | $\$ 2,277.00$ | $\$ 2,277.00$ |
| Rivers, Michelle | MDR | Paralegal | $\$ 235.00$ | 2.4 | $\$ 564.00$ | $\$ 564.00$ |
| Leyendecker, Kevin | PKL | Of Counsel | $\$ 595.00$ | 39.6 | $\$ 23,562.00$ | $\$ 23,562.00$ |


| Charges Summary |  |  |  |  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Fees |  |  |  |  |  |  |  |  |  |
| \# | Date | Timekeeper | Description | Units | Rate (USD) | Adj. (USD) | Inv. Adj. (USD) | $\begin{gathered} \text { Tax } \\ \text { (USD) } \end{gathered}$ | Net (USD) |
| 1 | 01/20/2022 | Rivers, Michelle | Assist John Zavitsanos with billing for TMH010 for trial transportation. | 0.7 | \$235.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$164.50 |
| 2 | 02/01/2022 | Zavitsanos, John | Review of the redactions by United and Multi-Plan. | 1.8 | \$750.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$1,350.00 |
| 3 | 02/01/2022 | Flores, Myrna D. | Received and reviewed United's proposed redactions and received communication from J. McManis. | 0.2 | \$230.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$46.00 |
| 4 | 02/01/2022 | McManis, Jason S. | Review and analyze all redactions made by United and MultiPlan in preparation for final sealing hearing and upcoming meet and confer. Prepare document setting forth position on proposed redactions and correspond with opposing counsel regarding same. | 8.8 | \$475.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$4,180.00 |
| 5 | 02/02/2022 | McManis, Jason S. | Meet and confer with United to discuss revisions to redactions. Meet and confer with MultiPlan to discuss revisions to redactions. | 1.8 | \$475.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$855.00 |
| 6 | 02/03/2022 | Flores, Myrna D. | Received and reviewed communications regarding hearing and date change, updated file. | 0.2 | \$230.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$46.00 |

7 02/03/2022 Flores, Myrna
D.
McManis,
Mason.

8 02/03/2022

Received and reviewed communications regarding exhibit redactions. Received/reviewed the communication to counsel from J. McManis with stipulation regarding the unsealed admitted exhibits, updated file.
Draft stipulation of public exhibits and circulate to opposing counsel for review. Review and analyze updated redactions from United and provide position on same in advance of upcoming hearing. Correspond with opposing counsel regarding additional redactions.
Review MultiPlan redactions and identify key objectionable redactions to raise for hearing. Follow up with MultiPlan's counsel regarding withdrawing objection to certain pages. Begin working on identification of exhibits that will require specific ruling at final hearing.

Received and reviewed communications with counsel from J. McManis regarding the updated redactions and proposed stipulation, updated file. Received/reviewed the stipulation and order regarding schedule for submission of redactions, updated file.

10 02/04/2022 | McManis, |
| :---: |
| Jason S. |

11 02/04/2022 Leyendecker, Kevin

Meet and confer with United to discuss proposals on revised redactions.
Participate in weekly team meeting to discuss status of United NV case, including

Received and reviewed communication from J. McManis regarding status of the United and Multiplan's motion to seal, updated file.
Work on updated list of exhibits that have been fully ruled upon by the Court. Identify additional exhibits for potential agreement ahead of upcoming hearing. Begin preparing notes on exhibits for final sealing hearing.
14 02/06/2022 McManis,
Prepare redaction proposals and send to opposing counsel.
Revisions to response to United and MultiPlan's redaction motion.

Received and reviewed
16 02/07/2022 Flores, Myrna
communications regarding exhibit redactions and motions to seal, updated file.
Review and analyze MultiPlan's proposed redactions filed for
17 02/07/2022 Jason S. outlining response to same. Begin planning for February 10 argument.
18 02/08/2022 Flores, Myrna Received and reviewed the notice D. of hearing on motion to seal defendants status report. Received/reviewed the update from J. McManis regarding the motions
$\begin{array}{llllll}0.2 & \$ 230.00 & \$ 0.00 & \$ 0.00 & \begin{array}{c}\$ 0.00 \\ (0 \%)\end{array} & \$ 46.00\end{array}$

7.1 \begin{tabular}{llllll}

\& $\$ 475.00$ \& $\$ 0.00$ \& $\$ 0.00$ \& | $\$ 0.00$ |
| :---: |
| $(0 \%)$ | \& $\$ 3,372.50$

\end{tabular}

0.3 \begin{tabular}{lllll}

\& $\$ 230.00$ \& $\$ 0.00$ \& $\$ 0.00$ \& | $\$ 0.00$ |
| :--- | :--- |
| $(0 \%)$ |

\end{tabular}$\$ 69.00$

\$570.00
\$297.50
$\$ 46.00$
\$617.50
$\begin{array}{lllll}1.3 & \$ 475.00 & \$ 0.00 & \$ 0.00 & \$ 0.00 \\ (0 \%)\end{array}$
\$142.50
\$825.00
$\$ 46.00$
\$332.50
$\$ 69.00$
(0\%)

| 0.3 | $\$ 475.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 142.50$ |
| :---: | :--- | :--- | :--- | :--- | :--- |
| 1.1 | $\$ 750.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 825.00$ |
| 0.2 | $\$ 230.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 46.00$ |
| 0.7 | $\$ 475.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 332.50$ |
| 0.3 | $\$ 230.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 69.00$ |


|  |  |  |
| :---: | :---: | :---: |
| 19 | $02 / 08 / 2022$ | McManis, <br> Jason S. |

20 \begin{tabular}{ccc}

02/09/2022 \& | Zavitsanos, |
| :---: |
| John | <br>

21 \& $02 / 09 / 2022$ \& | Ahmad, |
| :---: |
| Joseph | <br>

22 \& $02 / 09 / 2022$ \& | Robinson, |
| :---: |
| Jane |

\end{tabular}

23 02/09/2022 Green, Hilary
Received and reviewed the Notice Of Entry Of Order Shortening Time Re: Defendants' Motion To Seal Courtroom And Motion For Evidentiary Hearing In Support Of Motion To Seal Certain Confidential
24 02/09/2022 Flores, Myrna Trial Exhibits On Order Shortening Time. Received and reviewed communication from J. McManis to J. Fowler regarding proposals on redactions and plaintiffs status report. Received/reviewed communications regarding meet and confer on redactions.

Weekly update call to discuss motion to seal and motion to bust cap.
Finalize draft response to United's and MultiPlan's status report for filing. Prepare global, page-by-page detailed description of Plaintiffs' position on United's proposed redactions for filing with Court in advance of upcoming sealing hearing. Correspond with counsel for United and MultiPlan regarding withdrawal of certain disputes ahead of hearing. Begin preparing for final hearing on motion to seal.
Prepare for and participate in
27 02/10/2022 Zavitsanos,
John
hearing on motion to seal. Review
of reply briefing regarding cap busting.
28 02/10/2022 Rivers, Review email correspondence and Michelle case documents received by email.

Research regarding and analyze argument regarding the punitive damages cap. Review defendants' supplement to motion to seal. Attend hearing regarding motion to seal. Review correspondence with defendants and Multiplan regarding redaction requests.

| 6.6 | $\$ 475.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 3,135.00$ |
| :--- | :--- | :--- | :--- | :--- | :--- |
| 1.3 | $\$ 750.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 975.00$ |
| 0.2 | $\$ 750.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 150.00$ |
| 0.2 | $\$ 595.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 119.00$ |
| 0.2 | $\$ 525.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 105.00$ |


| 0.4 | $\$ 230.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 92.00$ |
| :--- | :--- | :--- | :--- | :--- | :--- |

$\$ 32.00$
\$5,985.00
\$3,525.00
$\$ 94.00$
\$2,320.50
(0\%)

31 02/10/2022

32 02/10/2022

33 02/11/2022
34 02/11/2022
$35 \quad 02 / 11 / 2022$
Killingsworth,
Michael
McManis,
Jason S.

Review and analyze indexes filed by United and MultiPlan. Draft response to United's motion to seal the Courtroom. Prepare for and argue hearing on motions to seal documents filed by MultiPlan and United. Correspond with counsel for United regarding continued hearing date.
Prepare for hearing on final judgment.
Receive and review electronic pleadings and multiple emails.
Confer with team regarding hearings on punitive damages cap, judgment, and motions to seal.
Received and reviewed Defendants opposition to cross motion entry of judgment and Defendants reply in support of motion apply statutory cap on punitive damages. Received and reviewed Motion To Seal Defendants' Index Of Trial Exhibit Redactions In Dispute and communications regarding the filng and the defendants notice of hearing.
Weekly update call to discuss sealing motion and hearing on motion to bust cap.
Begin drafting motion on order shortening time for unlocking of all unsealed trial exhibits. Review additional motion to seal by United and follow up regarding Rule 11 basis for same. Research case law on decisions under Rule 11 of NRCP. Correspond with Court and opposing counsel regarding dates for continued motion to seal hearing. Attend weekly status update to provide summary of hearing and current case status.
$39 \quad 02 / 12 / 2022$
$40 \quad 02 / 14 / 2022$
Zavitsanos,
John
Zavitsanos,
John
Rivers, Michelle

Robinson, Jane

Hearing on Multiplan's motion to seal.
communications regarding the $2 / 16$
hearing. Received/reviewed communications to counsel regarding the proposals on redactions/modifications.
Received/reviewed Plaintiffs'
Opposition to Defendants' Motion to
Seal Courtroom and Motion for Evidentiary Hearing.
$\begin{array}{llllll}0.5 & \$ 320.00 & \$ 0.00 & \$ 0.00 & (0 \%) & \$ 160.00\end{array}$
$9.4 \begin{array}{lllll}\$ 475.00 & \$ 0.00 & \$ 0.00 & \begin{array}{c}\$ 0.00 \\ (0 \%)\end{array} & \$ 4,465.00\end{array}$

| 1.4 | $\$ 750.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 1,050.00$ |
| :---: | :--- | :--- | :--- | :---: | :---: |
| 0.5 | $\$ 235.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 117.50$ |
| 0.4 | $\$ 595.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 238.00$ |

$\begin{array}{ccccc}0.4 & \$ 230.00 & \$ 0.00 & \$ 0.00 & \$ 0.00 \\ (0 \%)\end{array}$
$\$ 92.00$
$3.4 \quad \$ 475.00 \quad \$ 0.00 \quad \$ 0.00$

| 1.1 | $\$ 750.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 825.00$ |
| :---: | :--- | :--- | :--- | :---: | :---: |
| 2.4 | $\$ 750.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 1,800.00$ |
| 0.5 | $\$ 235.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 117.50$ |
| 3.8 | $\$ 595.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 2,261.00$ |

(0\%)
\$1,615.00
$\$ 825.00$
$\$ 128.00$
\$1,800.00
\$117.50
\$2,261.00
(0\%)
D.

Research regarding procedure for
procedure for
regarding strategy.
Studying United's replies to our
response to the judgment cap and
motion for entry of judgment,
including researchin
preparing thoughts for oral argument.

Contacted the JEA of the court regarding a hearing on the motion to seal at the request of J.
McManis. Sent a note to J. McManis. Received/reviewed analysis of defendants reply and reply in support of cross motion for judgment from K. Leyendecker. Received and reviewed Notice Of Withdrawal Of Motion To Seal Defendants' Index Of Trial Exhibit Redactions In Dispute.
Received/reviewed motion to unlock certain admitted trail exhibits on order shortening time.
Review and analyze reply to
Defendant's response on cap
busting. 0.2. Research
2.2. Draft sections of
response to cap busing motion. 0.4.
Review United's Opposition to Motion for Judgment and conduct legal research relating to the same. Exchange e-mails with Kevin Leyendecker on rate of postjudgment interest on Prompt Pay Act.

Review and analyze case law cited by Defendants in punitives cap motion related to requirement of "bad faith" claim or finding in special verdict form. Draft analysis and argument rebutting same.
Analyze Pioneer case cited by Defendants and draft argument distinguishing same. Begin working on reply in support of cross motion for judgment. Call with Jeff Fowler and Brittany Llewellyn to discuss schedule for sealing hearing. Correspond with Court regarding same.

48 02/15/2022 Zavitsanos,
Travel from OKC to Las Vegas. Prepare for hearing on February 16.

Continue to research regarding and analyze arguments regarding punitive damages cap. Review and provide comments regarding draft reply supporting motion for judgment.

Travel to Las Vegas for tomorrow's hearing from OKC through Denver to Vegas on the motion for entry of judgment and resolution of the statutory cap. Continued high level thinking of my approach to the argument.

7 \begin{tabular}{lllll}

7.1 \& $\$ 595.00$ \& $\$ 0.00$ \& $\$ 0.00$ \& | $\$ 0.00$ |
| :---: |
| $(0 \%)$ |

\end{tabular}$\$ 4,224.50$

| 0.8 | $\$ 230.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ |
| :---: | :---: | :---: | :---: | :---: | :---: |
| $(0 \%)$ | $\$ 184.00$ |  |  |  |


| 2.8 | $\$ 320.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ |
| :--- | :--- | :--- | :--- | :--- |
| $(0 \%)$ |  |  |  |  |

\$896.00
\$384.00
\$2,802.50
\$3,525.00
\$654.50
\$3,808.00

53 02/15/2022
McManis,
Jason S.
Killingsworth,
Michael
McManis,
Jason S.

Work on reply in support of cross motion for judgment. Draft arguments relating to electing of remedies for same. Correspond with opposing counsel regarding motion for unlocked exhibits. Review United's index of trial exhibits for sealing hearing and prepare for continued sealing hearing. Review and analyze MultiPlan's draft order regarding MultiPlan's motion to seal follow up with MultiPlan's counsel regarding same.

Prepare for and participate in hearing on sealing and cap busting.
Travel to Houston for hearing.
Attend hearing on Motion for Judgment and Redaction Motion.
Travel to Las Vegas. Research regarding and prepare for arguments on punitive damages cap. Attend hearing on motion to seal. Confer with team regarding strategy for hearing on punitive damages.
Preparing for today's judgment
57 02/16/2022 $\begin{gathered}\text { Leyendecker, } \\ \text { Kevin }\end{gathered}$
hearing and then attending the hearing postponed on the judgment portion on sealing.
Received and reviewed communications regarding filings on the motion to seal. Received and reviewed stipulation and order regarding unsealed admitted exhibits and Multiplan proposed order regarding redactions. Received/reviewed Defendants' Index of trial exhibit redactions in dispute. Received/reviewed Notice Of Entry Of Order Granting Defendants' Motion To Seal Defendants' Second Supplemental Appendix Of Exhibits To Motion To Seal Certain Confidential Trial Exhibits And Motion To Seal Defendants' Reply In Support Of Motion To Seal Certain Confidential Trial Exhibits. Attended hearing.
Travel to Las Vegas for cap busting hearing and motion to seal hearing. 4.7. Motion to seal hearing. 4.9.

Confer with Kevin Leyendecker about issues relating to punitives cap hearing. Organize
$\square 5$ and email Kevin Leyendecker about the same.
Review and edit response and reply to cap motion.
communications regarding the
Received/reviewed communications regarding the reply in support of cross motion for judgment and the draft. Received/reviewed
Defendants' Response to Plaintiffs' Motion to Unlock Certain Admitted Trial Exhibits. Received and reviewed communications regarding exhibits to be unlocked.



| 9.2 | $\$ 750.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 6,900.00$ |
| :---: | :---: | :---: | :---: | :---: | :---: |
| 13.7 | $\$ 750.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 10,275.00$ |

$13.7 \quad \$ 595.00 \quad \$ 0.00 \quad \$ 0.00$

7.6 \begin{tabular}{lllll}

7.6 \& $\$ 595.00$ \& $\$ 0.00$ \& $\$ 0.00$ \& | $\$ 0.00$ |
| :---: |
| $(0 \%)$ |

\end{tabular}$\$ 4,522.00$

Call with Jeff Gordon to discuss United's motion to seal. Analyze remaining pages subject to United's request and identify crossreferences to other unsealed documents for use at hearing. Attend and argue hearing on motion to seal. Confer with opposing counsel regarding issue of reply on cross-motion for judgment. Discuss strategy for hearing on final judgment with Kevin Leyendecker. Review and analyze MultiPlan's proposed order on MultiPlan's motion to seal in comparison to requirements of Nevada rules for sealing and redacting. Correspond with counsel for MultiPlan regarding proposed order on MultiPlan's motion to seal.

Prepare for and participate in hearing on motion for entry of judgment and whether caps apply. Return to Houston.

Review Defendants responses to plaintiff's Sur Reply regarding motion to apply statutory cap.
Preparation for and attention to hearing on motion on punitive caps. Travel to Houston regarding same.
Review and analyze defendants' sur-reply. Confer with team regarding strategy and arguments for motion on punitive damages cap. Prepare for and attend hearing on punitive damages cap and sealing. Return travel to Houston.
Studying the brief United filed last night, incorporating their points and my rebuttal into my overall presentation. Attending the judgment hearing and return travel to Houston

Received and reviewed Response to Plaintiffs' Sur-Reply on Defendants' Motion to Apply the Statutory Cap on Punitive Damages and communications from attorneys regarding the filing. Received and reviewed Notice of Entry of Stipulation and Order Regarding Certain Admitted Trial Exhibits and communication from J. McManis regarding the evidence vault.Received/reviewed communications regarding the proposed order from Multiplan. Received communication from J. McManis regarding exhibits and responded. Attended hearing. Sent communication to the evidence clerk regarding exhibits that may be unlocked, include a copy of the stipulation and order,
Hearing on motion to bust cap. 3.2.

Travel back to Houston from
Hearings. 5.5. Research cases wher . 0.4 .
68 02/17/2022

## McManis,

 Jason S. MultiPlan regarding order on motion to seal. Draft objection to| 9.1 | $\$ 475.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 4,322.50$ |
| :---: | :---: | :---: | :---: | :---: | :---: |
|  |  |  |  |  |  |

$69 \quad 02 / 18 / 2022$
$70 \quad 02 / 18 / 2022$

74 02/21/2022
$78 \quad 02 / 22 / 2022$

79 02/22/2022
$80 \quad 02 / 22 / 2022$

81 02/23/2022
$82 \quad 02 / 23 / 2022$

83 02/23/2022

84 02/23/2022

89 02/24/2022
$90 \quad 02 / 24 / 2022$

94 02/25/2022

95 02/25/2022

97 02/27/2022

98 02/28/2022

99 02/28/2022

100 02/28/2022

101 02/28/2022
$\begin{gathered}\text { Robinson, } \\ \text { Jane }\end{gathered}$
Flores, Myrna
onanscript regarding court's ruling on punitive damages cap.
Received and reviewed communication from B. Nelson with
the $2 / 16$ and $2 / 17$ hearing transcript.
Zavitsanos,
John
Zavitsanos,
John
Flores, Myrna
D.

McManis,
Jason S.
Zavitsanos, Continue working on fee petition.
John
Working on bill of costs. Review and revise next draft of final judgment.
Zavitsanos, Review appeal deadlines. Working on fee petition. Review of United's request seeking a stay of execution pending appeal.

| Zavitsanos, |
| :---: |
| John |

Flores, Myrna D.

Flores, Myrna
Received and reviewed
communications regarding United's request to stay execution of judgment.
McManis, Review list of disputed pages from seal.
Review correspondence regarding draft judgment and regarding motion for costs.
Begin working on revised sealing and redaction proposals for finalizing submission on United's motion to seal by March 4. Correspond with Jeff Gordon regarding same.
Continue working on sealing McManis, proposals for finalizing submission Jason S. on United's motion to seal by March 4.

Zavitsanos, Numerous emails concerning the bill of costs. Working on motion for fees.

Review email correspondence and case documents received by email.

Review correspondence regarding draft judgment and regarding motion for costs.
Studying Pat's proposed draft order Leyendecker, denying the motion to apply the Kevin
cap and begin making edits thereto.

$0.1 \quad \$ 595.00 \quad \$ 0.00 \quad \$ 0.00$| $\$ 0.00$ |
| :---: |
| $(0 \%)$ |

$\$ 59.50$
\$46.00
$\$ 900.00$
\$1,950.00
$\$ 46.00$
$\$ 95.00$
\$2,100.00
\$3,150.00
$\$ 825.00$
$\$ 46.00$
$\$ 46.00$
\$142.50
\$119.00
$\begin{array}{llllll}1.1 & \$ 475.00 & \$ 0.00 & \$ 0.00 & \begin{array}{c}\$ 0.00 \\ (0 \%)\end{array} & \$ 522.50\end{array}$
$\begin{array}{lllll}0.6 & \$ 475.00 & \$ 0.00 & \$ 0.00 & \$ 0.00 \\ (0 \%)\end{array}$
\$285.00
\$2,400.00
\$70.50
$\$ 59.50$
\$1,011.50


## Invoice Overview Report - Law Firm Invoice ID: 424016

Ahmad, Zavitsanos \& Mensing, P.C.
Please Remit Payment to:
1221 McKinney street
Suite 2500
Houston, TX 77010
UNITED STATES
Tax ID: 760407464

| Invoice Information |  |  |
| :---: | :---: | :---: |
| TH Matter Number: 2019-CRP-1948 | Invoice Currency: US Dollar |  |
| CounselLink Invoice 73118074 | NET TO PAY (USD): | \$23,919.40 |
| Law Firm Matter ID: TMH. 010 |  |  |
| $\begin{aligned} & \text { CounselLink Upload } \\ & \text { Date: } 04 / 12 / 2022 \end{aligned}$ |  |  |
| Final Invoice: No | Invoice Date: | 03/31/2022 |
| Submitted By: N/A | Service Period: | 03/01/2022-03/31/2022 |
| Attention: Phil McSween | Matter Contact: | Owen, Carol |
| Corporate Customer: TEAMHealth Legal | Contact Office: | Corporate |
| Billing Office Address: | Contact Office Address: | 265 Brookview Centre Way <br> Suite 400 <br> Knoxville, TN 37919 |
| Matter Title: Case 34-United NV |  |  |
| Invoice Description: |  |  |

## Invoice Additional Information

| Lawson Vendor ID: 85738 | Accounting Unit: 10300 |
| ---: | :---: |
| GL Account \#: 83220 | Lawson Vendor ID-AP |
| Points: |  |

## Matter Spend Performance

| Matter |  | Actual <br> (USD) |
| :---: | :---: | :---: |
| Life of Matter: | $\$ 15,355,922.66$ |  |

## Invoice Summary

| Type | Amount | Client <br> Adjustment | Invoice Adjustment | Tax | Cost <br> Share | Net | Prompt Pay Discount | Approved to Date | Net to Pay |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Fees (USD): | \$20,955.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$20,955.00 | \$0.00 | \$0.00 | \$20,955.00 |
| Expenses <br> (USD): | \$2,964.40 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$2,964.40 | \$0.00 | \$0.00 | \$2,964.40 |
| Total (USD): | \$23,919.40 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$23,919.40 | \$0.00 | \$0.00 | \$23,919.40 |

## Allocation Summary

| Contact |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: |
| Charge Type | Allocated <br> Amount <br> (USD) | Cost <br> Share <br> (USD) | Net <br> (USD) | Prompt <br> Pay | Net To <br> Pay <br> (USD) |


|  |  |  |  |  | Discount (USD) |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| DEFAULT ALLOCATION |  |  |  |  |  |  |
| Fees-100.000000\% - Balance Remaining |  | \$20,955.00 | \$0.00 | \$20,955.00 | \$0.00 | \$20,955.00 |
| Expenses-100.000000\% - Balance Remaining |  | \$2,964.40 | \$0.00 | \$2,964.40 | \$0.00 | \$2,964.40 |
|  | Sub-Total: | \$23,919.40 | \$0.00 | \$23,919.40 | \$0.00 | \$23,919.40 |
| +Cost Sharing; $\ddagger$ Track Limit Overage | Total: | \$23,919.40 | \$0.00 | \$23,919.40 | \$0.00 | \$23,919.40 |


| Approval Summary |  |  |
| :---: | :---: | :---: |
| Date |  | User |


| Timekeeper Summary |  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Timekeeper | Timekeeper ID | Level | Rate | Units | Fees Billed (USD) | Fees Recommended (USD) |
| Keniston, Angela R | ARK | Paralegal | \$230.00 | 1.6 | \$368.00 | \$368.00 |
| Deres, F. Ruth | FRD | Paralegal | \$185.00 | 0.2 | \$37.00 | \$37.00 |
| Robinson, Jane | JLR | Partner | \$595.00 | 9.5 | \$5,652.50 | \$5,652.50 |
| McManis, Jason S. | JSM | Partner | \$475.00 | 4.6 | \$2,185.00 | \$2,185.00 |
| Ahmad, Joseph | JYA | Partner | \$750.00 | 1 | \$750.00 | \$750.00 |
| Zavitsanos, John | JZ | Partner | \$750.00 | 8.1 | \$6,075.00 | \$6,075.00 |
| Liao, Louis | LL | Associate | \$320.00 | 5.7 | \$1,824.00 | \$1,824.00 |
| Killingsworth, Michael | MAK | Associate | \$320.00 | 0.4 | \$128.00 | \$128.00 |
| Flores, Myrna D. | MDF | Paralegal | \$230.00 | 4.7 | \$1,081.00 | \$1,081.00 |
| Rivers, Michelle | MDR | Paralegal | \$235.00 | 0.5 | \$117.50 | \$117.50 |
| Leyendecker, Kevin | PKL | Of Counsel | \$595.00 | 3.8 | \$2,261.00 | \$2,261.00 |
| Ford, Sammy | SF | Partner | \$595.00 | 0.8 | \$476.00 | \$476.00 |


| Charges Summary |  |  |  |  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Fees |  |  |  |  |  |  |  |  |  |
| \# | Date | Timekeeper | Description | Units | Rate (USD) | Adj. (USD) | Inv. Adj. (USD) | $\begin{gathered} \text { Tax } \\ \text { (USD) } \end{gathered}$ | $\begin{aligned} & \text { Net } \\ & \text { (USD) } \end{aligned}$ |
| 1 | 03/01/2022 | Zavitsanos, John | Review of revised order on ruling concerning caps on punitive damages. | 0.4 | \$750.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$300.00 |
| 2 | 03/01/2022 | Robinson, Jane | Review and revise draft order denying defendants' motion to enforce the punitive damages cap. Confer with Mr. Leyendecker regarding same. | 1.9 | \$595.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$1,130.50 |
| 3 | 03/01/2022 | Leyendecker, Kevin | Reviewing and assembling the pieces for the bill of costs that Pat is preparing, including expenses. Continued review and revising the draft order denying motion to apply the statutory cap. | 3.8 | \$595.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$2,261.00 |
| 4 | 03/01/2022 | Flores, Myrna D. | Received/reviewed all communications and documents regarding the bill of costs. | 0.2 | \$230.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$46.00 |
| 5 | 03/01/2022 | Flores, Myrna D. | Received/reviewed communications regarding the draft order denying | 0.2 | \$230.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$46.00 |

7 03/02/2022 Flores, Myrna

## $8 \quad 03 / 02 / 2022 \begin{aligned} & \text { McManis, } \\ & \text { Jason S. }\end{aligned}$

D.

9 03/03/2022

$10 \quad 03 / 03 / 2022 \quad$| McManis, |
| :--- |
| Jason S. |

10 03/03/2022 McManis,

11 03/03/2022
Zavitsanos, John

12 03/03/2022
Robinson,
Jane
$13 \quad 03 / 04 / 2022$
Robinson,
Jane

objection to order regarding
punitive damages cap. Review notes for team call.
Received/reviewed Joint Status
Report and Table Identifying the
Redactions to Trial Exhibits that
Remain in Dispute.
Received/reviewed additional communications regarding the bill of costs. Received/reviewed communication from PKL regarding judgment and order denying motion to enforce cap, Received/reviewed Objection to Plaintiffs' Proposed Judgment and Order Denying Motion to Apply Statutory Cap on Punitive Damages.
Received/reviewed Objection to
15 03/04/2022 Flores, Myrna Plaintiffs' Proposed Judgment and Order Denying Motion to Apply Statutory Cap on Punitive Damages.
Team call to discuss Bill of Costs, Motion for Attorneys' Fees, and Final Judgment.
Work on submission for bill of costs. Status meeting.
18 03/04/2022

Received reviewed communications
regarding post judgment with
information regarding appeal deadlines.
Work on revised redaction proposals to United in preparation for joint
status report. Confer with opposing
counsel regarding same. Prepare
shell format for submission of
position statements to Court.
fee petition.
Review correspondence regarding
Multiplan's proposed order
regarding redactions and regarding post-judgment motions.
Review defendants' redline to order denying their order to apply the punitive damages cap. Review
mary of steps following entry of
judgment. Review defendants'
defs motion for cap on punitive damages
Received/reviewed communications regarding United's Post judgment request. Received/reviewed order denying defs motion for cap on punitive damages
Work on additional sealing proposals for United's motion to seal.
Correspond with Jeff Gordon regarding same.
Received reviewed the clerks notice of hearing on Plaintiffs motion to unlock certain admitted trial exhibits. Received/reviewed communication to T . White from Infus regarding MultiPlans Proposed Order regarding redactions.
$0.5 \quad \$ 230.00$ \$0.00 \$0.0
\$115.00
\$475.00
(0\%)
\$1,425.00
\$59.50
017540

| 0.2 | $\$ 230.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 46.00$ |
| :---: | :---: | :---: | :---: | :---: | :---: |
| 0.4 | $\$ 320.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 128.00$ |
| 0.8 | $\$ 595.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 476.00$ |
| 1.7 | $\$ 475.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 807.50$ |

(0\%)

19 03／07／2022

20 03／08／2022

21 03／08／2022

22 03／09／2022

23 03／09／2022

24 03／09／2022

29 03／10／2022

30 03／10／2022
Flores，Myrna
D．
Zavitsanos，
John
Robinson， Jane

Keniston，
Angela $R$
Zavitsanos， John Ahmad，
Joseph
Zavitsanos， John

Robinson， Jane

28 03／10／2022
draft status report．Draft Plaintiffs＇ position statements on remaining redactions for rulings from Court．
Prepare spreadsheet with the expenses from Napoli Shkolnik to be incorporated into Motion for Fees．
Revisions to materials for fee petition．

Attention to fee petition．
Review of judgment．Exchange emails on costs．

Confer with Mr．Bristow and Mr． McManis regarding motion for entry of judgment and order denying motion to apply punitive damages cap．

Received／reviewed minute order regarding the motion to seal． Received／reviewed order denying defendants motion to apply
Flores，Myrna statutory cap on punitive damages and the final judgment． Received／reviewed communication from P．Lundvall regarding deadline for filing the motion for attorney fees．
31 03／10／2022

35 03／14／2022

36 03／14／2022

38 03／16／2022

McManis，
Jason S．
$\begin{gathered}\text { Zavitsanos，} \\ \text { John }\end{gathered}$
Flores，Myrna
D．

Review of draft brief regarding costs．

Review correspondence regarding bill of costs，motion for award of attorneys＇fees，and other post－ judgment motions．

Received／reviewed communications regarding invoices for bill of cost． Received／reviewed communications regarding the order on MultiPlans motion to seal confidential trial exhibits．Received／reviewed Plaintiffs memorandum of costs and all communications regarding the memorandum．Received／reviewed communication from S．Halepota regarding upcoming deadlines．

Review proposed order on MultiPlan＇s motion to seal and confirm rejection of same．
Review of brief on the bill of costs． Numerous emails regarding same．

Received／reviewed communications regarding cost analysis．
Received／reviewed the appendix in support of plaintiffs memorandum of costs．
Received／reviewed，Order Granting Defendants＇Motion for Leave to Exceed Page Limits Regarding Defendants＇Status Report and Summary of Revised Redactions to Trial Exhibits；and Order Granting Flores，Myrna Defendants＇Motion for Leave to Exceed Page Limits Regarding Defendants＇Status Report and Summary of Revised Redactions to Trial Exhibits．Received／reviewed the order granting Multiplan＇s Motion to seal certain confidential trial exhibits．

| 1.6 | $\$ 230.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 368.00$ |
| :--- | :--- | :--- | :--- | :---: | :--- |
| 1.2 | $\$ 750.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 900.00$ |
| 0.4 | $\$ 750.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 300.00$ |
| 0.3 | $\$ 750.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 225.00$ |
| 0.2 | $\$ 595.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 119.00$ |
|  |  |  |  |  |  |
| 0.3 | $\$ 230.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 69.00$ |


| 0.1 | $\$ 750.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 75.00$ |
| :---: | :---: | :---: | :---: | :---: | :---: |
| 0.1 | $\$ 595.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 59.50$ |
| 0.5 | $\$ 230.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 115.00$ |


| 39 | 03/18/2022 | Zavitsanos, John | Exchange emails about bill of costs. | 0.1 | \$750.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$75.00 |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| 40 | 03/18/2022 | Flores, Myrna D. | Receive/reviewed communication from P. Lundvall regarding defendants motion to retax costs or a notice. | 0.1 | \$230.00 | \$0.00 | \$0.00 | $\begin{array}{r} \$ 0.00 \\ (0 \%) \end{array}$ | \$23.00 |
| 41 | 03/19/2022 | Zavitsanos, John | Review of Defendants' motion to relax costs. | 0.5 | \$750.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$375.00 |
| 42 | 03/21/2022 | Robinson, Jane | Review order on Multiplan's motion to seal. | 0.1 | \$595.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$59.50 |
| 43 | 03/21/2022 | Flores, Myrna D. | Received/reviewed Defendants' Motion to Extend 3/17/20 D22 Deadline to File Motion to Retax By One Day and Defendants' Motion to Retax Costs. Received/reviewed communications from attorneys regarding the Defendants' Motion to Retax Costs. Received/reviewed Plaintiffs' Notice of Non-Opposition to Defendants' Motion To Extend 3-17-2022 Deadline to File Motion to Retax By One Day and Notice of Hearing. | 0.3 | \$230.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$69.00 |
| 44 | 03/22/2022 | Robinson, Jane | Review filings regarding motion to retax costs. Review status of other post-judgment filings. Review and analyze Nevada Rules of Civil Procedure and Rules of Appellate Procedure pertaining t | 1.4 | \$595.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$833.00 |
| 46 | 03/23/2022 | Robinson, Jane | Confer with team regarding upcoming hearing on motion for costs, regarding status of motion for recovery of fees, and regarding strategy for appeal. | 0.1 | \$595.00 | \$0.00 | \$0.00 | $\begin{array}{r} \$ 0.00 \\ (0 \%) \end{array}$ | \$59.50 |
| 47 | 03/25/2022 | Robinson, Jane | Review next steps for postjudgment and prepare for call with Bailey Kennedy. Confer with Bailey Kennedy attorneys and Ms. Owen regarding appeal. | 0.7 | \$595.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$416.50 |
| 48 | 03/25/2022 | Deres, F. Ruth | Correspondence with Accounting regarding status of Flip Invoice No. 4856. | 0.2 | \$185.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$37.00 |
| 49 | 03/25/2022 | McManis, Jason S. | Attend introductory call with appellate counsel. | 0.5 | \$475.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$237.50 |
| 50 | 03/28/2022 | Zavitsanos, John | Review of draft motion for fees. Sent suggested changes. | 0.8 | \$750.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$600.00 |
| 51 | 03/28/2022 | Robinson, Jane | Confer with team regarding status of motion for attorneys' fees. Review draft motion for attorneys' fees. Review rules governing motions for attorneys' fees. | 0.6 | \$595.00 | \$0.00 | \$0.00 | $\begin{array}{r} \$ 0.00 \\ (0 \%) \end{array}$ | \$357.00 |
| 52 | 03/28/2022 | Flores, Myrna D. | Received/reviewed communication from J. Robinson regarding draft motion for attorney's fees and responses. | 0.2 | \$230.00 | \$0.00 | \$0.00 | $\begin{array}{r} \$ 0.00 \\ (0 \%) \end{array}$ | \$46.00 |
| 53 | 03/28/2022 | Liao, Louis | Review redactions to AZA invoices for Motion for Attorneys' Fees. | 0.1 | \$320.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$32.00 |
| 54 | 03/29/2022 | Robinson, Jane | Research regarding requirements to support attorneys' fees. Confer with Messner attorneys regarding motion for attorneys' fees. Correspond with Ms. Lundvall and Mr. Leyendecker regarding same and regarding | 2.9 | \$595.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$1,725.50 |

55 03/29/2022

| 56 03/30/2022 | Zavitsanos, <br> John |  |
| :---: | :---: | :---: |
| 57 | $03 / 30 / 2022$ | Robinson, <br> Jane |

$58 \quad 03 / 30 / 2022$
Flores, Myrna
D.

| 60 | $03 / 30 / 2022$ | McManis, <br> Jason S. |
| :---: | :---: | :---: |
| 61 | $03 / 31 / 2022$ | Zavitsanos, <br> John |
| 62 | $03 / 31 / 2022$ | Ahmad, <br> Joseph |
| 63 | $03 / 31 / 2022$ | Rivers, <br> Michelle |
| 64 | $03 / 31 / 2022$ | Robinson, <br> Jane |
| 65 | $03 / 31 / 2022$ | Flores, Myrna <br> D. |

59 03/30/2022 Liao, Louis
supporting affidavit. Review draft affidavit supporting motion for fees. Review and revise draft motion for attorneys' fees.

Contacted W. Abrego regarding exhibits not part of the sealing order. The exhibits were made public on $2 / 18$ and sent
communication to J. McManis.
Collected all exhibits not sealed and communicated with J. McManis forwarded link to the exhibits.
Received/reviewed communications regarding the draft motion for attorneys fees.

Reviewed latest draft of motion for fees.
Complete proposed revisions to motion for attorneys' fees. Confer with Ms. Lundvall and team regarding revisions to motion for attorneys' fees.

Received/reviewed additional communications regarding the draft motion for attorney fees.
Draft procedural background section
in Motion for Attorneys' Fees.
Exchange e-mails with Jane
Robinson and Jason McManis
regarding the same. Review filings
relating to the same. Continue
reviewing redactions to AZA
invoices.
Review and revise intro to motion
for attorneys' fees.
Review of final version of motion for fees and costs with attachments.

Review motion for fees and costs.
Organize and forward trial
transcripts to CEO per client.
Correspond with team regarding
motion for attorneys' fees and third-
party request for trial transcripts.
Received/reviewed communications
regarding the attorney fees and hearing.
$\begin{array}{llllll}0.9 & \$ 750.00 & \$ 0.00 & \$ 0.00 & \begin{array}{c}\$ 0.00 \\ (0 \%)\end{array} & \$ 675.00\end{array}$
$0.9 \quad \$ 595.00 \quad \$ 0.00 \quad \$ 0.00 \quad \$ 0.00 \quad \$ 535.50$
$0.3 \quad \$ 230.00 \quad \$ 0.00 \quad \$ 0.00$
$5.6 \quad \$ 320.00 \quad \$ 0.00 \quad \$ 0.00$
$\$ 0.00$
(0\%)
\$1,792.00
\$142.50
$\$ 900.00$
$\$ 450.00$
\$117.50
$\begin{array}{cccccc}0.1 & \$ 595.00 & \$ 0.00 & \$ 0.00 & \begin{array}{c}\$ 0.00 \\ (0 \%)\end{array} & \$ 59.50 \\ 0.1 & \$ 230.00 & \$ 0.00 & \$ 0.00 & \begin{array}{c}\$ 0.00 \\ (0 \%)\end{array} & \$ 23.00 \\ & & & & \$ 0.00 & \$ 0.00\end{array}$

## Expenses

| \# | Date | Timekeeper | Description | Units | Rate (USD) | Adj. (USD) | Inv. Adj. (USD) | $\begin{gathered} \text { Tax } \\ \text { (USD) } \end{gathered}$ | $\begin{gathered} \text { Net } \\ \text { (USD) } \end{gathered}$ |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| 6 | 03/01/2022 | Unknown | Copy service Orig. Inv 11/27/21 Flip Document Services | 1 | \$410.06 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$410.06 |
| 25 | 03/09/2022 | Unknown | Airport parking while traveling to attend Punitive Damages Hearing J. Robinson | 1 | \$48.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$48.00 |
| 26 | 03/09/2022 | Unknown | Taxi while traveling to attend Punitive Damages Hearing J. Robinson | 1 | \$52.90 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$52.90 |
| 27 | 03/09/2022 | Unknown | Meal while traveling to attend Punitive Damages Hearing J. Robinson | 1 | \$29.93 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$29.93 |
| 32 | 03/10/2022 | Unknown | Airfare to attend hearing on Motion to Cap Punitive Damages M. Killingsworth | 1 | \$837.18 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$837.18 |


| 33 | 03/10/2022 | Unknown | Meals while traveling to attend hearing on Motion to Cap Punitive Damages M. Killingsworth | 1 | \$49.76 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$49.76 |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| 34 | 03/10/2022 | Unknown | Transportation while traveling to attend hearing on Motion to Cap Punitive Damages M. Killingsworth | 1 | \$32.08 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$32.08 |
| 37 | 03/15/2022 | Unknown | Copy service Flip Document Services | 1 | \$1,479.49 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$1,479.49 |
| 45 | 03/22/2022 | Unknown | Fee for M. Killingsworth's Pro Hac Vice application State Bar of Texas | 1 | \$25.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$25.00 |
|  |  |  |  |  | Sub Total: | \$0.00 | \$0.00 | \$0.00 | \$2,964.40 |
|  |  |  |  |  | nd Total: | \$0.00 | \$0.00 | \$0.00 | \$23,919.40 |

## Client Adjusted Charges Summary

| \# | Date | Biller | Units | Adj. Amount (USD) |  | Details |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Sub-Total: |  |  |  |  | \$0.00 |  |
|  |  |  |  |  | \$0.00 |  |

## Invoice Overview Report - Law Firm Invoice ID: 424254

Ahmad, Zavitsanos \& Mensing, P.C.
Please Remit Payment to:
1221 McKinney street Suite 2500
Houston, TX 77010
UNITED STATES
Tax ID: 760407464

| Invoice Information |  |  |
| :---: | :---: | :---: |
| TH Matter Number: 2019-CRP-1948 | Invoice Currency: US Dollar |  |
| CounselLink Invoice 73306253 | NET TO PAY (USD): | \$141,178.00 |
| Law Firm Matter ID: TMH. 010 |  |  |
| $\begin{gathered} \text { CounselLink Upload } \\ \text { Date: } 05 / 10 / 2022 \end{gathered}$ |  |  |
| Final Invoice: No | Invoice Date: | 04/30/2022 |
| Submitted By: N/A | Service Period: | 04/01/2022-04/30/2022 |
| Attention: Phil McSween | Matter Contact: | Owen, Carol |
| Corporate Customer: TEAMHealth Legal | Contact Office: | Corporate |
| Billing Office Address: | Contact Office Address: | 265 Brookview Centre Way <br> Suite 400 <br> Knoxville, TN 37919 |
| Matter Title: Case 34-United NV |  |  |
| Invoice Description: |  |  |

## Invoice Additional Information

| Lawson Vendor ID: 85738 | Accounting Unit: 10300 |
| ---: | :---: |
| GL Account \#: 83220 | Lawson Vendor ID-AP |
| Points: |  |

## Matter Spend Performance

| Matter |  |  |  |  | Actual <br> (USD) |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Life of Matter: \$15,355,922.66 |  |  |  |  |  |  |  |  |  |
| Invoice Summary |  |  |  |  |  |  |  |  |  |
| Type | Amount | Client <br> Adjustment | Invoice Adjustment | Tax | Cost Share | Net | Prompt Pay Discount | Approved to Date | Net to Pay |
| Fees (USD): \$141,178.00 |  | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$141,178.00 | \$0.00 | \$0.00 | \$141,178.00 |
| Expenses <br> (USD): | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| $\begin{aligned} & \text { Total } \\ & \text { (USD): } \end{aligned}$ | \$141,178.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$141,178.00 | \$0.00 | \$0.00 | \$141,178.00 |

## Allocation Summary

| Contact | Allocated | Cost <br> Share | Net <br> (USD) | Prompt <br> Pay | Net To Pay <br> (USD) |
| :---: | :---: | :---: | :---: | :---: | :---: |
| Amount |  |  |  |  |  |


|  | (USD) | (USD) |  | Discount (USD) |  |
| :---: | :---: | :---: | :---: | :---: | :---: |
| DEFAULT ALLOCATION |  |  |  |  |  |
| Fees - 100.000000\% - Balance Remaining | \$141,178.00 | \$0.00 | \$141,178.00 | \$0.00 | \$141,178.00 |
| Expenses-100.000000\% - Balance Remaining | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Sub-Total: | \$141,178.00 | \$0.00 | \$141,178.00 | \$0.00 | \$141,178.00 |
| +Cost Sharing; $\ddagger$ Track Limit Overage | \$141,178.00 | \$0.00 | \$141,178.00 | \$0.00 | \$141,178.00 |


| Approval Summary |  |  |  |
| :--- | :--- | :--- | :--- |
|  | Date |  |  |

## Timekeeper Summary

| Timekeeper | Timekeeper ID | Level | Rate | Units | Fees Billed <br> $($ USD $)$ | Fees Recommended <br> (USD) |
| :--- | :---: | ---: | ---: | ---: | ---: | ---: |
| Byrd, Cameron | CAB | Associate | $\$ 575.00$ | 83 | $\$ 47,725.00$ | $\$ 47,725.00$ |
| Robinson, Jane | JLR | Partner | $\$ 595.00$ | 78.1 | $\$ 46,469.50$ | $\$ 46,469.50$ |
| McManis, Jason S. | JSM | Partner | $\$ 475.00$ | 2.2 | $\$ 1,045.00$ | $\$ 1,045.00$ |
| Ahmad, Joseph | JYA | Partner | $\$ 750.00$ | 6.4 | $\$ 4,800.00$ | $\$ 4,800.00$ |
| Zavitsanos, John | JZ | Partner | $\$ 750.00$ | 20.1 | $\$ 15,075.00$ | $\$ 15,075.00$ |
| Liao, Louis | LL | Associate | $\$ 320.00$ | 50.6 | $\$ 16,192.00$ | $\$ 16,192.00$ |
| Killingsworth, Michael | MAK | Associate | $\$ 320.00$ | 25.2 | $\$ 8,064.00$ | $\$ 8,064.00$ |
| Flores, Myrna D. | MDF | Paralegal | $\$ 230.00$ | 3.5 | $\$ 805.00$ | $\$ 805.00$ |
| Rivers, Michelle | MDR | Paralegal | $\$ 235.00$ | 3 | $\$ 705.00$ | $\$ 705.00$ |
| Leyendecker, Kevin | PKL | Of Counsel | $\$ 595.00$ | 0.5 | $\$ 297.50$ | $\$ 297.50$ |

Charges Summary



7 04/05/2022

Flores, Myrna
D.
Robinson,
Jane

Killingsworth, Analysis of final trial exhibits not

Robinson, Jane

Review and analyze United's motion to stay execution of judgment. Research regarding and correspond with team regarding same.
Research regarding
Research regarding
opposition to United's motion to
stay execution of judgment. Conf
with team regarding response to
motion and regarding status of
Research regarding
opposition to United's motion to
stay execution of judgment. Confer
with team regarding response to
motion and regarding status of
Research regarding
opposition to United's motion to
stay execution of judgment. Confer
with team regarding response to
motion and regarding status of
Research regarding
opposition to United's motion to
stay execution of judgment. Conf
with team regarding response to
motion and regarding status of
Research regarding
opposition to United's motion to
stay execution of judgment. Confer
with team regarding response to
motion and regarding status of briefing on our motion for attorneys' fees and United's motion to retax costs.
$9 \quad 04 / 06 / 2022$

10 04/06/2022

11 04/06/2022

12 04/06/2022

13 04/07/2022

14 04/07/2022

15 04/07/2022
Killingsworth, Draft list of United retaliations after
Michael
lawsuit.
McManis, Review and revise response in Jason S. opposition of United's motion to stay.
$\begin{array}{cl}\text { Zavitsanos, } & \begin{array}{l}\text { Review of Plaintiff motion to stay } \\ \text { John }\end{array}\end{array}$ same.
Ahmad,
Joseph
Review motion to stay execution of judgment.
Review of United motion for remittitur and motion for new trial.
Zavitsanos, John

Review of United motion for judgment as a matter of law. Prepare outline response to same.

16
$16 \quad 04 / 12 / 2022$
binson, Jane
Ahmad, Review motion for new trial and Joseph discuss with legal team.

Revise, finalize, and file opposition to motion to stay execution of judgment. Review and analyze United's reply. Prepare for and appear at hearing to present argument in opposition to United's motion to stay execution.
Analyze and confer with team regarding response in opposition to defendants' motion to retax costs and regarding responses to motion for new trial, motion to amend judgment, and renewed motion for judgment as a matter of law.
Review response to United's motion 17 04/12/2022

| McManis, | to retax. Plan strategy for response |
| :---: | :--- |
| Jason S. | to United's substantive post-trial |
|  | motions. |
| Zavitsanos, | Continue review of United's motion |
| John | for new trial. |
| Rivers, | Receive multiple emails pertaining <br> Michelle <br> to Responses to Post Judgment |
|  | Motions. Receive and review |

regarding the trial transcripts. Received/reviewed the notice of hearing regarding the motion on attorneys fees. Received/reviewed stipulation and order to extend deadlines regarding the motion for attorneys fees.
Review stipulation and proposed order regarding motions to retax costs and for attorneys' fees. sealed.
$\qquad$ er
$0.3 \$ 230.00$
$\$ 0.00$

| 0.2 | $\$ 595.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 119.00$ |
| :--- | :--- | :--- | :--- | :--- | :--- |

$0.3 \quad \$ 320.00 \quad \$ 0.00 \quad \$ 0.00 \begin{gathered}\$ 0.00 \\ (0 \%)\end{gathered}$
$\begin{array}{llllll}1.1 & \$ 595.00 & \$ 0.00 & \$ 0.00 & \begin{array}{c}\$ 0.00 \\ (0 \%)\end{array} & \$ 654.50\end{array}$
$\begin{array}{lllll}3.6 & \$ 595.00 & \$ 0.00 & \$ 0.00 & \$ 0.00 \\ (0 \%)\end{array}$
\$2,142.00
$\begin{array}{ccccc}0.1 & \$ 320.00 & \$ 0.00 & \$ 0.00 & \begin{array}{c}\$ 0.00 \\ (0 \%)\end{array} \\ 0.3 & \$ 475.00 & \$ 0.00 & \$ 0.00 & \begin{array}{c}\$ 0.00 \\ (0 \%)\end{array}\end{array}$
$\$ 32.00$
\$142.50
\$975.00
\$375.00
(0\%)
$\begin{array}{ccccc}2.3 & \$ 750.00 & \$ 0.00 & \$ 0.00 & \$ 0.00 \\ (0 \%)\end{array}$
$2.7 \quad \$ 750.00 \quad \$ 0.00 \quad \$ 0.00 \begin{array}{ccc}\$ 0.00 \\ (0 \%)\end{array} \$ 2,025.00$
$\begin{array}{lllll}3.6 & \$ 595.00 & \$ 0.00 & \$ 0.00 & \$ 0.00 \\ (0 \%)\end{array}$
$\begin{array}{ccccc}0.4 & \$ 475.00 & \$ 0.00 & \$ 0.00 & \begin{array}{l}\$ 0.00 \\ (0 \%)\end{array}\end{array}$

| 1.1 | $\$ 750.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 825.00$ |
| :---: | :---: | :---: | :---: | :---: | :---: |
| 0.5 | $\$ 235.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 117.50$ |

(0\%)
\$2,142.00
\$238.00
\$1,725.00

\$190.00
\$117.50

20 04/13/2022

21 04/13/2022

22 04/13/2022

23 04/13/2022

24 04/14/2022

25 04/14/2022

26 04/14/2022
Robinson,
Jane

Confer with Mr. McManis regarding rescheduling hearing on post-trial motions. Review notice of referral to settlement program and information regarding same provided by Ms. Harmon. Review correspondence regarding appellate docketing statement. Analyze strategic considerations for

Review and
$\begin{array}{ll} & \text { Jane } \\ & \begin{array}{ll}\text { analyze status of post-judgment } \\ \text { motions. Confer with Mr. McManis } \\ \text { regarding status of defendants' }\end{array} \\ & \text { motion to seal and our motion to } \\ \text { unlock trial exhibits. Review motion } \\ \text { for new trial. Analyze strategy for } \\ \text { response. Confer with Mr. Byrd and } \\ & \text { Mr. Liao regarding motion for new } \\ \text { trial response. }\end{array}$
$\begin{array}{ll} & \text { Jane } \\ & \begin{array}{ll}\text { analyze status of post-judgment } \\ \text { motions. Confer with Mr. McManis } \\ \text { regarding status of defendants' }\end{array} \\ & \text { motion to seal and our motion to } \\ \text { unlock trial exhibits. Review motion } \\ \text { for new trial. Analyze strategy for } \\ \text { response. Confer with Mr. Byrd and } \\ & \text { Mr. Liao regarding motion for new } \\ \text { trial response. }\end{array}$
$\begin{array}{ll} & \text { Jane } \\ & \begin{array}{ll}\text { analyze status of post-judgment } \\ \text { motions. Confer with Mr. McManis } \\ \text { regarding status of defendants' }\end{array} \\ & \text { motion to seal and our motion to } \\ \text { unlock trial exhibits. Review motion } \\ \text { for new trial. Analyze strategy for } \\ \text { response. Confer with Mr. Byrd and } \\ & \text { Mr. Liao regarding motion for new } \\ \text { trial response. }\end{array}$
$\begin{array}{ll} & \text { Jane } \\ & \begin{array}{ll}\text { analyze status of post-judgment } \\ \text { motions. Confer with Mr. McManis } \\ \text { regarding status of defendants' }\end{array} \\ & \text { motion to seal and our motion to } \\ \text { unlock trial exhibits. Review motion } \\ \text { for new trial. Analyze strategy for } \\ \text { response. Confer with Mr. Byrd and } \\ & \text { Mr. Liao regarding motion for new } \\ \text { trial response. }\end{array}$
$\begin{array}{ll} & \text { Jane } \\ & \begin{array}{ll}\text { analyze status of post-judgment } \\ \text { motions. Confer with Mr. McManis } \\ \text { regarding status of defendants' }\end{array} \\ & \text { motion to seal and our motion to } \\ \text { unlock trial exhibits. Review motion } \\ \text { for new trial. Analyze strategy for } \\ \text { response. Confer with Mr. Byrd and } \\ & \text { Mr. Liao regarding motion for new } \\ \text { trial response. }\end{array}$
$\begin{array}{ll} & \text { Jane } \\ & \begin{array}{ll}\text { analyze status of post-judgment } \\ \text { motions. Confer with Mr. McManis } \\ \text { regarding status of defendants' }\end{array} \\ & \text { motion to seal and our motion to } \\ \text { unlock trial exhibits. Review motion } \\ \text { for new trial. Analyze strategy for } \\ \text { response. Confer with Mr. Byrd and } \\ & \text { Mr. Liao regarding motion for new } \\ \text { trial response. }\end{array}$
$\begin{array}{ll} & \text { Jane } \\ & \begin{array}{ll}\text { analyze status of post-judgment } \\ \text { motions. Confer with Mr. McManis } \\ \text { regarding status of defendants' }\end{array} \\ & \text { motion to seal and our motion to } \\ \text { unlock trial exhibits. Review motion } \\ \text { for new trial. Analyze strategy for } \\ \text { response. Confer with Mr. Byrd and } \\ & \text { Mr. Liao regarding motion for new } \\ \text { trial response. }\end{array}$
$\begin{array}{ll} & \text { Jane } \\ & \begin{array}{ll}\text { analyze status of post-judgment } \\ \text { motions. Confer with Mr. McManis } \\ \text { regarding status of defendants' }\end{array} \\ & \text { motion to seal and our motion to } \\ \text { unlock trial exhibits. Review motion } \\ \text { for new trial. Analyze strategy for } \\ \text { response. Confer with Mr. Byrd and } \\ & \text { Mr. Liao regarding motion for new } \\ \text { trial response. }\end{array}$
$\begin{array}{ll} & \text { Jane } \\ & \begin{array}{ll}\text { analyze status of post-judgment } \\ \text { motions. Confer with Mr. McManis } \\ \text { regarding status of defendants' }\end{array} \\ & \text { motion to seal and our motion to } \\ \text { unlock trial exhibits. Review motion } \\ \text { for new trial. Analyze strategy for } \\ \text { response. Confer with Mr. Byrd and } \\ & \text { Mr. Liao regarding motion for new } \\ \text { trial response. }\end{array}$
$\begin{array}{ll} & \text { Jane } \\ & \begin{array}{ll}\text { analyze status of post-judgment } \\ \text { motions. Confer with Mr. McManis } \\ \text { regarding status of defendants' }\end{array} \\ & \text { motion to seal and our motion to } \\ \text { unlock trial exhibits. Review motion } \\ \text { for new trial. Analyze strategy for } \\ \text { response. Confer with Mr. Byrd and } \\ & \text { Mr. Liao regarding motion for new } \\ \text { trial response. }\end{array}$
$\begin{array}{ll} & \text { Jane } \\ & \begin{array}{ll}\text { analyze status of post-judgment } \\ \text { motions. Confer with Mr. McManis } \\ \text { regarding status of defendants' }\end{array} \\ & \text { motion to seal and our motion to } \\ \text { unlock trial exhibits. Review motion } \\ \text { for new trial. Analyze strategy for } \\ \text { response. Confer with Mr. Byrd and } \\ & \text { Mr. Liao regarding motion for new } \\ \text { trial response. }\end{array}$
Continue reviewing arguments in United's Motion for New Trial.
28 Liao, Louis Confer with Jane Robinson and

| 29 | $04 / 14 / 2022$ | $\begin{array}{l}\text { McManis, } \\ \text { Jason S. }\end{array}$ | $\begin{array}{l}\text { Cameron Byrd about response } \\ \text { brief. }\end{array}$ |
| :---: | :---: | :---: | :--- |
| Meet with Jane Robinson to discuss |  |  |  |
| motion status and extension |  |  |  |
| strategy for post-trial motions. |  |  |  |
| 30 | $04 / 15 / 2022$ | $\begin{array}{c}\text { Zavitsanos, } \\ \text { John }\end{array}$ | $\begin{array}{l}\text { Numerous emails concerning } \\ \text { whether to file cross appeal. } \\ \text { Meeting to discuss same. }\end{array}$ |
| 31 | $04 / 15 / 2022$ | $\begin{array}{c}\text { Robinson, } \\ \text { Jane }\end{array}$ | $\begin{array}{l}\text { Analyze appellate strategy, } \\ \text { includin }\end{array}$ |


|  |  | $\begin{array}{l}\text { Cameron Byrd about response } \\ \text { brief. }\end{array}$ |  |
| :---: | :---: | :---: | :--- |
| 39 | $04 / 14 / 2022$ | $\begin{array}{l}\text { McManis, } \\ \text { Jason S. }\end{array}$ | $\begin{array}{l}\text { Meet with Jane Robinson to discuss } \\ \text { motion status and extension } \\ \text { strategy for post-trial motions. }\end{array}$ |
| 30 | $04 / 15 / 2022$ | $\begin{array}{c}\text { Zavitsanos, } \\ \text { John }\end{array}$ | $\begin{array}{l}\text { Numerous emails concerning } \\ \text { whether to file cross appeal. } \\ \text { Meeting to discuss same. }\end{array}$ |
| 31 | $04 / 15 / 2022$ | $\begin{array}{c}\text { Robinson, } \\ \text { Jane }\end{array}$ | $\begin{array}{l}\text { Analyze appellate strategy, } \\ \text { includin }\end{array}$ |

29 04/14/2022 \begin{tabular}{ccl}
McManis, <br>

Jason S. \& | Meet with Jane Robinson to discuss |
| :--- |
| motion status and extension |
| strategy for post-trial motions. | <br>

30 \& $04 / 15 / 2022$ \& | Zavitsanos, |
| :---: |
| John | <br>

31 \& | Numerous emails concerning |
| :--- |
| whether to file cross appeal. |
| Meeting to discuss same. | <br>

$04 / 15 / 2022$ \& | Robinson, |
| :---: |
| Jane | \& | Analyze appellate strategy, |
| :--- |
| includin | <br>

\hline
\end{tabular} renewed motion for judgment as a matter of law, and regarding request for extension of time to respond to post-judgment motions. Confer with Mr. Byrd regarding response to motion for new trial. Confer with Ms. Harmon regarding preparation of response to motion for remittitur.

Review and analyze United's motion for new trial.
Review arguments in United's Motion for New Trial and pull relevant pleadings to prepare for response.
Review JMOL briefing and JMOL order to begin preparing response to United's renewed motion for JMOL. Discuss strategy for response to United's post-trial motions with team.
Numerous emails regarding mediation.
Analyze case related emails received. Receive and review electronic Minute Order received.

27 04/14/2022
multiple pleadings related to Motion to Retax Costs.
Review and analyze motion to retax costs. Review and revise draft opposition to motion to retax costs. Confer with Mr. McManis, Mr. Killingsworth, and Mr. Liao regarding responses to motion for new trial, motion for remittitur, and
$3.9 \quad \$ 595.00 \quad \$ 0.00 \quad \$ 0.00 \begin{array}{cc}\$ 0.00 \\ (0 \%)\end{array} \quad \$ 2,320.50$

| 2.3 | $\$ 575.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 1,322.50$ |
| :---: | :---: | :---: | :---: | :---: | :---: |
| 1.2 | $\$ 320.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 384.00$ |

1.1 \begin{tabular}{lllll}

$\$ 475.00$ \& $\$ 0.00$ \& $\$ 0.00$ \& | $\$ 0.00$ |
| :---: |
| $(0 \%)$ | \& $\$ 522.50$

\end{tabular}

| 0.7 | $\$ 750.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 525.00$ |
| :---: | :---: | :---: | :---: | :---: | :---: |
| 0.2 | $\$ 235.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 47.00$ |


$5.3 \quad \$ 595.00 \quad \$ 0.00 \quad \$ 0.00$| $\$ 0.00$ |
| :---: | :---: |
| $(0 \%)$ |$\quad \$ 3,153.50$


| 7.3 | $\$ 575.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 4,197.50$ |
| :---: | :---: | :---: | :---: | :---: | :---: |
| 1.3 | $\$ 320.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 416.00$ |


| 0.4 | $\$ 475.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 190.00$ |
| :---: | :---: | :---: | :---: | :---: | :---: |
| 1.1 | $\$ 750.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 825.00$ |
| 4 | $\$ 595.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 2,380.00$ |

Byrd,
Cameron
Liao, Louis

Review and analyze United's motion for new trial.

33 04/15/2022
34 04/16/2022

35 04/17/2022

36 04/18/2022

37 04/18/2022


Review information about appellate mediation. Telephone conference with Mr. Smith regarding our request for an extension of time to respond to the post-judgment motions and confer with internal team regarding same. Draft proposed stipulation and order extending time. Review motions to exceed page limits to determine whether to note non-opposition to same. Review Nevada Rules of Appellate Procedure relating to obligation to file docketing statement. Review transcript of hearing on motion to stay execution of judgment in order to prepare proposed order. Research regardin


Draft proposed order regarding defendants' motion to stay execution. Review draft notice of appearance on appeal and confer with Ms. Harmon regarding same.

| 39 | $04 / 18 / 2022$ | Byrd, <br> Cameron |
| :---: | :---: | :---: |
| 40 | $04 / 19 / 2022$ | Zavitsanos, <br> John |
| 41 | $04 / 19 / 2022$ | Rivers, |

Complete review of motion for new trial. Prepare outline for response.
Review and analyze United's motion for new trial.
Numerous emails concerning
S. Review of draft order regarding
Defendants' motion to stay execution of judgment.
Review multiple case related emails. o
$\qquad$
, and correspond with team regarding same. Research Nevada rules regardin
with Mr. Byrd regarding response to motion for new trial. Confer with team regarding appellate mediation process and strategy. Review notice of assignment to appellate mediator. Review motion for remittitur. Analyze evidence and previous briefing supporting punitive damages award and provide summary of key arguments and evidence to Ms. Harmon and Mr. Kennedy to assist them in their preparation of a response to the motion for remittitur.

| 4.2 | $\$ 575.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ |
| :---: | :---: | :---: | :---: | :---: |
| 0.8 | $\$ 320.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ |


|  |  |
| :--- | :--- |
|  |  |
| 42 | $04 / 19 / 2022$ |

## Michelle

emails.
Email and telephone United attorneys regarding stipulation and order extending time to respond to post-judgment motions to May 4. Revise stipulation and order and finalize for transmission to court. Confer with team regarding upcoming hearings on fees, costs, and post-judgment motions, stipulation and order extending time for responses to postjudgment motions, upcoming appellate mediation, and strategy for order on United's motion to stay execution of the judgment. Review rule regarding stipulations on extensions of time to ensure full compliance. Confer with Mr. Killingsworth, Mr. Byrd, and Mr. Liao regarding preparation of response to motion for new trial and preparation of evidentiary support for opposition to motion for remittitur.
43 04/19/2022 $\left.\begin{array}{cc}\text { Byrd, } \\ \text { Cameron }\end{array}\right\}$

Review and analyze United's motion for new trial.
Received/reviewed the stipulation and order to extend deadlines.

Analysis with Cameron Byrd regarding Response to Motion for New Trial.
Review United's Motion for New Trial. Outline arguments in response for discovery errors section. Confer with Cameron Byrd and Michael Killingsworth about next steps.
Review of United's response to motion for fees. Participate in weekly phone conference.

| 47 | $04 / 20 / 2022$ | Zavitsanos, <br> John |
| :---: | :---: | :---: |
| 48 | $04 / 20 / 2022$ | Ahmad, <br> Joseph |
| 49 | $04 / 20 / 2022$ | Ahmad, <br> Joseph |
| 50 | $04 / 20 / 2022$ | Rivers, <br> Michelle |

Review draft notice of entry of order resetting deadlines for response on defendants' postjudgment motions and date of hearing. Confer with Mr. McManis regarding response to renewed motion for judgment as a matter of law. Confer with team regarding mediation strategy and upcoming hearings on motion for attorneys' fees and post-judgment motions. Research regarding appellate procedure rules governing notice of appearance and exchange emails regarding same and regarding next steps for execution of judgment.

52 \begin{tabular}{ccc}

52 \& $04 / 20 / 2022$ \& | Byrd, |
| :---: |
| Cameron | <br>

53 \& $04 / 20 / 2022$ \& Flores, Myrna
\end{tabular}

Review and analyze United's motion for new trial.
D.

Received/reviewed communication from Court clerk regarding conference with Judge Allf on $4 / 21$.
(0\%)
$\begin{array}{llllll}2.8 & \$ 595.00 & \$ 0.00 & \$ 0.00 & \begin{array}{c}\$ 0.00 \\ (0 \%)\end{array} & \$ 1,666.00\end{array}$

| 1.6 | $\$ 575.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 920.00$ |
| :---: | :--- | :--- | :--- | :---: | :---: |
| 0.2 | $\$ 230.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 46.00$ |
| 0.6 | $\$ 320.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 192.00$ |

$7 \begin{array}{llllll}7.5 & \$ 320.00 & \$ 0.00 & \$ 0.00 & \$ 0.00 \\ (0 \%)\end{array} \$ 2,400.00$

| 1.8 | $\$ 750.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 1,350.00$ |
| :---: | :--- | :--- | :--- | :---: | :---: |
| 0.7 | $\$ 750.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 525.00$ |
| 1.5 | $\$ 750.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 1,125.00$ |
| 0.2 | $\$ 235.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 47.00$ |


$0.9 \quad \$ 595.00 \quad \$ 0.00 \quad \$ 0.00$| $\$ 0.00$ |
| :---: | :---: | :---: |
| $(0 \%)$ |$\quad \$ 535.50$


| 1.4 | $\$ 575.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 805.00$ |
| :---: | :---: | :---: | :---: | :---: | :---: |
| 0.2 | $\$ 230.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 46.00$ |




67 04/22/2022
Killingsworth, Michael

68 04/22/2022
Liao, Louis

69 04/23/2022 | Robinson, |
| :---: |
| Jane |

$70 \quad$ 04/24/2022 | Byrd, |
| :---: |
| Cameron |

71 04/25/2022 | Robinson, |
| :---: |
| Jane |

72 04/25/2022
Byrd,
and the affidavit of Eric Nichols from L. Liao.
Analysis of Response to Motion for New Trial with Cameron Byrd and Louis Liao.

Prepare for hearing with Court on sealing. Attend hearing. Work on response to United's Motion for New Trial.

Continue to review and analyze motion for new trial and prepare notes regarding responsive argument. Research regarding defendants' argument that evidence regarding the Yale study was improperly admitted under the Noerr-Pennington doctrine.
Review and analyze United's motion for new trial and draft response.
Continue to review and analyze motion for new trial and outline points for response. Confer with Ms. Harmon and Mr. Killingsworth regarding response to motion for remittitur. Analyze and confer with team regarding hearing on postjudgment motions and attorneys'
fees and regarding
Review and analyze United's motion for new trial and draft response.
Received external hard drive to back up prior to sending to Gulfstream to extract the database and upload to Relativity.
Received/reviewed communication
from $T$. White regarding hearing on fees/costs and communications from attorneys. Reviewed files for the record, updated and communicated with M. Killingsworth and J. Robinson.

Pull together facts supporting punitives for appellate counsel.
74 04/25/2022 Killingsworth, Analysis of Response to Motion for
New Trial response. Analysis of motion for new trial response with Cameron Byrd and Louis Liao.
Attention to scheduling the hearing on fees. Numerous emails about whether the trial transcript is sealed.

Review transcript of April 21 hearing regarding trial transcripts and analyze court's expressed views regarding public availability of transcripts. Confer with Mr. McManis and Mr. Zavitsanos regarding same. Correspond with Ms. Owen regarding request for transcripts. Continue review and analysis of motion for new trial.

77 \begin{tabular}{ccc}

77 \& $04 / 26 / 2022$ \& | Byrd, |
| :---: |
| Cameron | <br>

78 \& $04 / 26 / 2022$ \& Flores, Myrna
\end{tabular}

Review and analyze United's motion for new trial and draft response.
Received/reviewed communications regarding the sealing of transcripts and last hearing.
Received/reviewed communications

| mary_rep | port.jsp?curr | $n c y=p \& m$ | ultiplelnvo | ces $=T$ | 017 |
| :---: | :---: | :---: | :---: | :---: | :---: |
| 0.9 | \$320.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$288.00 |
| 4.5 | \$320.00 | \$0.00 | \$0.00 | $\begin{array}{r} \$ 0.00 \\ (0 \%) \end{array}$ | \$1,440.00 |
| 7.8 | \$595.00 | \$0.00 | \$0.00 | $\begin{array}{r} \$ 0.00 \\ (0 \%) \end{array}$ | \$4,641.00 |
| 7.9 | \$575.00 | \$0.00 | \$0.00 | $\begin{array}{r} \$ 0.00 \\ (0 \%) \end{array}$ | \$4,542.50 |
| 4.8 | \$595.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$2,856.00 |
| 4.8 | \$575.00 | \$0.00 | \$0.00 | $\begin{array}{r} \$ 0.00 \\ (0 \%) \end{array}$ | \$2,760.00 |
| 0.7 | \$230.00 | \$0.00 | \$0.00 | $\begin{array}{r} \$ 0.00 \\ (0 \%) \end{array}$ | \$161.00 |
| 2.9 | \$320.00 | \$0.00 | \$0.00 | $\begin{array}{r} \$ 0.00 \\ (0 \%) \end{array}$ | \$928.00 |
| 0.4 | \$750.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$300.00 |
| 1.6 | \$595.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$952.00 |
| 4.2 | \$575.00 | \$0.00 | \$0.00 | $\begin{array}{r} \$ 0.00 \\ (0 \%) \end{array}$ | \$2,415.00 |
| 0.4 | \$230.00 | \$0.00 | \$0.00 | $\begin{array}{r} \$ 0.00 \\ (0 \%) \end{array}$ | \$92.00 |

79 04/26/2022

Killingsworth,
Michael

80 04/26/2022 Liao, Louis

81 04/27/2022 Robinson, Jane
Byrd,
Cameron

83 04/27/2022

84 04/27/2022
$85 \quad 04 / 27 / 2022$
Leyendecker,
Kevin
 Michael
82 04/27/2022

Liao, Louis

86 04/27/2022 Liao, Louis

87 04/28/2022 $\begin{array}{cc}\text { Zavitsanos, } \\ \text { John } \\ 88 & 04 / 28 / 2022\end{array} \begin{gathered}\text { Ahmad, } \\ \text { Joseph }\end{gathered}$,

| 87 | $04 / 28 / 2022$ | $\begin{array}{c}\text { Zavisann, } \\ \text { John }\end{array}$ |
| :---: | :---: | :---: |
| 88 | $04 / 28 / 2022$ | $\begin{array}{c}\text { Ahmad, } \\ \text { Joseph }\end{array}$ |
| 89 | $04 / 28 / 2022$ | $\begin{array}{c}\text { Robinson, } \\ \text { Jane }\end{array}$ |


| 87 | $04 / 28 / 2022$ | $\begin{array}{c}\text { Zavisann, } \\ \text { John }\end{array}$ |
| :---: | :---: | :---: |
| 88 | $04 / 28 / 2022$ | $\begin{array}{c}\text { Ahmad, } \\ \text { Joseph }\end{array}$ |
| 89 | $04 / 28 / 2022$ | $\begin{array}{c}\text { Robinson, } \\ \text { Jane }\end{array}$ |

regarding the transcripts being sealed.
Analysis of Response to Motion for New Trial with Louis Liao. Analysis of Defendants' Motion for New Trial. Draft Response to Motion for New Trial.
Continue working on response to United's Motion for New Trial. Draft background section for post-trial briefing and review record for citations.

Continue to analyze and prepare notes for response to motion for new trial. Research regarding legal points raised in motion for new trial, including appropriateness of adverse-inference instruction. Review and analyze renewed motion for judgment as a matter of law. Review and analyze testimony to prepare response to motion. Draft opposition to motion for judgment as a matter of law. Confer with Mr. Byrd, Mr. Liao, and Mr. Killingsworth regarding response to motion for new trial.
Review and analyze United's motion for new trial and draft response; review and analyze trial transcript.
Conferring with Michael regarding their motion for new trial as it relates to complaints about Leather's "new" opinions disclosed after the deadline.

Draft Plaintiffs' Response to Motion for New Trial. Analysis of Defendants' Motion for New Trial.
Continue working on response to
United's Motion for New Trial.
Review key pleadings and documents in record.

Numerous emails about bond. Review of draft reply in support of motion for fees.
Attention to issues regarding schedule of hearings and bond.
Review information and examples of execution writs for potential enforcement of judgment against United. Correspond with Ms. Finch, Ms. Calvert, Ms. Owen and Mr. Zavitsanos regarding enforcement procedures. Review and analyze draft response to motion for new trial and confer with team members regarding same. Continue to review and analyze renewed motion for judgment as a matter of law. Continue drafting opposition to motion.
Review and analyze United's motion for new trial and draft response; review and analyze trial transcript.

| mary_rep | ort.jsp?curr | $n c y=p \& m$ | ultiplelnv | ices=T | 017 |
| :---: | :---: | :---: | :---: | :---: | :---: |
| 1.2 | \$320.00 | \$0.00 | \$0.00 | $\begin{array}{r} \$ 0.00 \\ (0 \%) \end{array}$ | \$384.00 |
| 8.7 | \$320.00 | \$0.00 | \$0.00 | $\begin{array}{r} \$ 0.00 \\ (0 \%) \end{array}$ | \$2,784.00 |
| 4.4 | \$595.00 | \$0.00 | \$0.00 | $\begin{array}{r} \$ 0.00 \\ (0 \%) \end{array}$ | \$2,618.00 |
| 5.6 | \$575.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$3,220.00 |
| 0.5 | \$595.00 | \$0.00 | \$0.00 | $\begin{array}{r} \$ 0.00 \\ (0 \%) \end{array}$ | \$297.50 |
| 6.6 | \$320.00 | \$0.00 | \$0.00 | $\begin{array}{r} \$ 0.00 \\ (0 \%) \end{array}$ | \$2,112.00 |
| 9.2 | \$320.00 | \$0.00 | \$0.00 | $\begin{array}{r} \$ 0.00 \\ (0 \%) \end{array}$ | \$2,944.00 |
| 3.5 | \$320.00 | \$0.00 | \$0.00 | $\begin{array}{r} \$ 0.00 \\ (0 \%) \end{array}$ | \$1,120.00 |
| 1.8 | \$750.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$1,350.00 |
| 1 | \$750.00 | \$0.00 | \$0.00 | $\begin{array}{r} \$ 0.00 \\ (0 \%) \end{array}$ | \$750.00 |
| 5.5 | \$595.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$3,272.50 |
| 9.1 | \$575.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$5,232.50 |


| 91 | 04/28/2022 | Flores, Myrna D. | Received/reviewed communication from K. Leyendecker regarding the hearing on fees/costs and responses from litigation team. | 0.2 | \$230.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$46.00 |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| 92 | 04/28/2022 | Killingsworth, Michael | Analysis of Motion for New Trial Response - Leathers - with Kevin Leyendecker. Draft Plaintiffs' Response to Motion for New Trial. Research NRCP 60(b). | 1.9 | \$320.00 | \$0.00 | \$0.00 | $\begin{array}{r} \$ 0.00 \\ (0 \%) \end{array}$ | \$608.00 |
| 93 | 04/29/2022 | Zavitsanos, John | Review of numerous emails regarding bond. Review of proposed stipulation. | 0.9 | \$750.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$675.00 |
| 94 | 04/29/2022 | Robinson, Jane | Continue to research regarding and draft response to renewed motion for judgment as a matter of law. Review court's prior orders to ensure relevant support for opposition is included in briefing. Review defendants' bond and proposed stipulation. Research regardin | 7.6 | \$595.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$4,522.00 |
|  |  |  |  |  |  |  |  |  |  |
| 95 | 04/29/2022 | Byrd, Cameron | Review and analyze United's motion for new trial and draft response; review and analyze trial transcript. | 9.8 | \$575.00 | \$0.00 | \$0.00 | $\begin{array}{r} \$ 0.00 \\ (0 \%) \end{array}$ | \$5,635.00 |
| 96 | 04/29/2022 | Flores, Myrna D. | Received/reviewed communications regarding Judge Allf's calendar and upcoming hearing on fees and costs. Received/reviewed communications as well as the draft reply brief in support of HCA's motoin for attorneys fees from P. Lundvall. Sent J. Robinson a note that an order regarding the motion to modify was not filed and drafted order on the motion to modify the joint pretrial order and forwarded to J. Robinson. | 0.6 | \$230.00 | \$0.00 | \$0.00 | $\begin{array}{r} \$ 0.00 \\ (0 \%) \end{array}$ | \$138.00 |
| 97 | 04/29/2022 | Killingsworth, Michael | Draft Response to Motion for New Trial. Call with Cameron Byrd and Louis Liao to strategize remaining sections. | 4.6 | \$320.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$1,472.00 |
| 98 | 04/29/2022 | Liao, Louis | Continue working on response to United's Motion for New Trial. Draft arguments in response to discovery errors section. Review record for citations to include in same. | 8.8 | \$320.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$2,816.00 |
| 99 | 04/30/2022 | Robinson, Jane | Continue to research regarding and draft opposition to renewed motion for judgment as a matter of law. Confer with Mr. Zavitsanos and Mr. Killingsworth regarding objections to bond and next steps for collection. | 6.9 | \$595.00 | \$0.00 | \$0.00 | $\begin{array}{r} \$ 0.00 \\ (0 \%) \end{array}$ | \$4,105.50 |
| 100 | 04/30/2022 | Byrd, Cameron | Review and analyze United's motion for new trial and draft response; review and analyze trial transcript. | 9.6 | \$575.00 | \$0.00 | \$0.00 | $\begin{array}{r} \$ 0.00 \\ (0 \%) \end{array}$ | \$5,520.00 |
| 101 | 04/30/2022 | Killingsworth, Michael | Draft, review, and edit Response to Motion for New Trial. Strategize overall caselaw with factual responses for motion for new trial with Cameron Byrd. | 5.6 | \$320.00 | \$0.00 | \$0.00 | $\begin{array}{r} \$ 0.00 \\ (0 \%) \end{array}$ | \$1,792.00 |
| 102 | 04/30/2022 | Zavitsanos, John | Working on issues around United's defective bond. | 2.2 | \$750.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$1,650.00 |
|  |  |  |  |  | b Total: | \$0.00 | \$0.00 | \$0.00 | \$141,178.00 |
|  |  |  |  | Gran | d Total: | \$0.00 | \$0.00 | \$0.00 | \$141,178.00 |

## Invoice Overview Report - Law Firm Invoice ID: 424463

Ahmad, Zavitsanos \& Mensing, P.C.
Please Remit Payment to:
1221 McKinney street
Suite 2500
Houston, TX 77010
UNITED STATES
Tax ID: 760407464

| Invoice Information |  |  |
| :---: | :---: | :---: |
| TH Matter Number: 2019-CRP-1948 | Invoice Currency: US Dollar |  |
| CounselLink Invoice $\begin{aligned} & \text { oice } \\ & \text { ID: } \\ & 73390127 \end{aligned}$ | NET TO PAY (USD): | \$4,320.00 |
| Law Firm Matter ID: TMH. 010 CounselLink Upload $\begin{gathered}\text { Date: } \\ 05 / 24 / 2022\end{gathered}$ |  |  |
| Final Invoice: No | Invoice Date: | 04/30/2022 |
| Submitted By: N/A | Service Period: | 04/28/2022-04/28/2022 |
| Attention: Phil McSween | Matter Contact: | Owen, Carol |
| Corporate Customer: TEAMHealth Legal | Contact Office: | Corporate |
| Billing Office Address: | Contact Office Address: | 265 Brookview Centre Way <br> Suite 400 <br> Knoxville, TN 37919 |
| Matter Title: Case 34-United NV |  |  |
| Invoice Description: |  |  |

## Invoice Additional Information

| Lawson Vendor ID: 85738 | Accounting Unit: 10300 |
| ---: | :---: |
| GL Account \#: 83220 | Lawson Vendor ID-AP |
| Points: |  |

## Matter Spend Performance

| Matter |  | Actual <br> (USD) |
| :---: | :---: | :---: |
| Life of Matter: | $\$ 15,355,922.66$ |  |

## Invoice Summary

| Type | Amount | Client <br> Adjustment | Invoice <br> Adjustment | Tax | Cost <br> Share | Net | Prompt <br> Pay <br> Discount | Approved <br> to Date | Net to <br> Pay |
| :---: | ---: | ---: | ---: | ---: | ---: | ---: | ---: | ---: | ---: |
| Fees (USD):$\$ 4,320.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 4,320.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 4,320.00$ |  |
| Expenses |  |  |  |  |  |  |  |  |  |
| (USD): | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ |
| Total (USD): $\$ 4,320.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 4,320.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 4,320.00$ |  |


| Allocation Summary |  |  |  |  |  |
| :--- | :--- | :--- | :--- | :--- | :--- |
| Contact <br> Charge Type | Alocated <br> Amount <br> (USD) | Cost <br> Share <br> (USD) | Net <br> (USD) | Prompt <br> Pay | Net To <br> Pay <br> (USD) |

## DEFAULT ALLOCATION

Fees - 100.000000\% - Balance Remaining
Expenses-100.000000\% - Balance Remaining

| Fees - 100.000000\% - Balance Remaining |  | \$4,320.00 | \$0.00 | \$4,320.00 | \$0.00 | \$4,320.00 |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Expenses-100.000000\% - Balance Remaining |  | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
|  | Sub-Total: | \$4,320.00 | \$0.00 | \$4,320.00 | \$0.00 | \$4,320.00 |
| +Cost Sharing; $\ddagger$ Track Limit Overage | Total: | \$4,320.00 | \$0.00 | \$4,320.00 | \$0.00 | \$4,320.00 |

Approval Summary

|  | Date | User |  |
| :---: | :---: | :---: | :---: |
| $05 / 25 / 2022$ |  | Owen, Carol |  |


| Timekeeper Summary |  |  |  |  |  |  |  |
| :--- | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Timekeeper | Timekeeper ID | Level | Rate | Units | Fees Billed <br> (USD) | Fees Recommended <br> (USD) |  |
| Liao, Louis | LL | Associate | $\$ 320.00$ | 13.5 | $\$ 4,320.00$ | $\$ 4,320.00$ |  |


| Charges Summary |  |  |  |  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Fees |  |  |  |  |  |  |  |  |  |
| \# | Date | Timekeeper | Description | Units | $\begin{aligned} & \text { Rate } \\ & \text { (USD) } \end{aligned}$ | Adj. (USD) | Inv. Adj. (USD) | $\begin{gathered} \text { Tax } \\ \text { (USD) } \end{gathered}$ | $\begin{gathered} \text { Net } \\ \text { (USD) } \end{gathered}$ |
| 1 | 04/28/2022 | Liao, Louis | Continue working on response to United's Motion for New Trial. Draft arguments for discovery errors section. Review key pleadings and record citations for the same. | 13.5 | \$320.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$4,320.00 |
|  |  |  |  |  | b Total: | \$0.00 | \$0.00 | \$0.00 | \$4,320.00 |
|  |  |  |  | Gran | d Total: | \$0.00 | \$0.00 | \$0.00 | \$4,320.00 |

## Invoice Overview Report - Law Firm Invoice ID: 425287

Ahmad, Zavitsanos \& Mensing, P.C.
Please Remit Payment to:
1221 McKinney street Suite 2500
Houston, TX 77010
UNITED STATES
Tax ID: 760407464

| Invoice Information |  |  |
| :---: | :---: | :---: |
| TH Matter Number: 2019-CRP-1948 | Invoice Currency: US Dollar |  |
| CounselLink Invoice 73499605 | NET TO PAY (USD): | \$130,582.00 |
| Law Firm Matter ID: TMH. 010 CounselLink Upload $06 / 09 / 2022$ |  |  |
| Final Invoice: No | Invoice Date: | 05/31/2022 |
| Submitted By: N/A | Service Period: | 05/01/2022-05/31/2022 |
| Attention: Phil McSween | Matter Contact: | Owen, Carol |
| Corporate Customer: TEAMHealth Legal | Contact Office: | Corporate |
| Billing Office Address: | Contact Office Address: | 265 Brookview Centre Way <br> Suite 400 <br> Knoxville, TN 37919 |
| Matter Title: Case 34 - United NV |  |  |
| Invoice Description: |  |  |

## Invoice Additional Information

| Lawson Vendor ID: 85738 | Accounting Unit: 10300 |
| ---: | :---: |
| GL Account \#: 83220 | Lawson Vendor ID-AP |
| Points: |  |

## Matter Spend Performance

| Matter |  |  |  |  | Actual (USD) |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Life of Matter: \$15,544,363.69 |  |  |  |  |  |  |  |  |  |
| Invoice Summary |  |  |  |  |  |  |  |  |  |
| Type | Amount | Client <br> Adjustment | Invoice Adjustment | Tax | Cost Share | Net | Prompt Pay Discount | Approved to Date | Net to Pay |
| Fees (USD): \$130,582.00 |  | \$0.00 | \$0.00 \$0.00 |  | \$0.00 \$130,582.00 |  | \$0.00 | \$0.00 | \$130,582.00 |
| Expenses (USD): | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| $\begin{aligned} & \text { Total } \\ & \text { (USD): } \end{aligned}$ | \$130,582.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$130,582.00 | \$0.00 | \$0.00 | \$130,582.00 |

## Allocation Summary

| Contact |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: |
| Charge Type | Allocated <br> Amount | Cost <br> Share | Net <br> (USD) | Prompt <br> Pay | Net To Pay <br> (USD) |

## DEFAULT ALLOCATION

(USD)
(USD)
Discount
(USD)

| Fees - 100.000000\% - Balance Remaining | $\$ 130,582.00$ | $\$ 0.00$ | $\$ 130,582.00$ | $\$ 0.00$ | $\$ 130,582.00$ |  |
| :--- | ---: | ---: | ---: | ---: | ---: | ---: |
| Expenses-100.000000\% - Balance Remaining | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ |  |
|  | Sub-Total: | $\$ 130,582.00$ | $\$ 0.00$ | $\$ 130,582.00$ | $\$ 0.00$ | $\$ 130,582.00$ |
| +Cost Sharing; ; Track Limit <br> Overage | Total: | $\$ 130,582.00$ | $\$ 0.00$ | $\$ 130,582.00$ | $\$ 0.00$ | $\$ 130,582.00$ |


| Approval Summary |  |  |  |
| :---: | :---: | :---: | :---: |
|  | Date |  |  |


| Timekeeper Summary |  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Timekeeper | Timekeeper ID | Level | Rate | Units | Fees Billed (USD) | Fees Recommended (USD) |
| Hernandez, Alexander "Alex" | ARH | Associate | \$465.00 | 12.1 | \$5,626.50 | \$5,626.50 |
| Byrd, Cameron | CAB | Associate | \$575.00 | 41.6 | \$23,920.00 | \$23,920.00 |
| Deres, F. Ruth | FRD | Paralegal | \$185.00 | 0.7 | \$129.50 | \$129.50 |
| Robinson, Jane | JLR | Partner | \$595.00 | 78.2 | \$46,529.00 | \$46,529.00 |
| Ahmad, Joseph | JYA | Partner | \$750.00 | 0.4 | \$300.00 | \$300.00 |
| Zavitsanos, John | JZ | Partner | \$750.00 | 20.8 | \$15,600.00 | \$15,600.00 |
| Liao, Louis | LL | Associate | \$320.00 | 62.7 | \$20,064.00 | \$20,064.00 |
| Killingsworth, Michael | MAK | Associate | \$320.00 | 18.2 | \$5,824.00 | \$5,824.00 |
| Flores, Myrna D. | MDF | Paralegal | \$230.00 | 6.1 | \$1,403.00 | \$1,403.00 |
| Leyendecker, Kevin | PKL | Of Counsel | \$595.00 | 18.8 | \$11,186.00 | \$11,186.00 |



| 5 | $05 / 01 / 2022$ |
| :---: | :---: |
| 6 | $05 / 02 / 2022$ |

6 05/02/2022 Killingsworth,
Liao, Louis
Killingsworth,
Michael

Ton to United's Motion for New Trial. Continue drafting response to sections on discovery errors and review record citations in United's brief. Organize record evidence in support of opposition brief and review prior arguments on discovery issues for overlap in issues.
Draft, edit and review sections of the Response to Motion for New Trial. Research rebuttable presumption standard.
Review and analyze Nevada caselaw and statutes as well as authority
$7 \quad 05 / 02 / 2022$ Hernandez, from other jurisdictions regarding issue related to lack of signatories on appeal bond; draft and revise research findings regarding the same.

Continue work on opposition to United's Renewed Motion for

8 05/02/2022
Liao, Louis
Judgment as a Matter of Law. Continue reviewing key record evidence and organizing the same for opposition brief.
Review and analyze draft opposition to United's Motion for Remittitur. Related research on constitutional standard for punitive damages.
Continue work on draft opposition brief to United's Motion for New Trial. Revise drafts from Cameron Byrd and Michael Killingsworth in response to United's arguments on attorney misconduct and irregularities at trial. Exchange rounds of edits to opposition brief. Review record citations from United's motion and key evidence relating to same.

Working on response to motion for new trial. Research to evaluate adequacy of United's bond. Continue review of reply in support of motion for fees.
Continue to research regarding and draft brief opposing motion for judgment as a matter of law. Research regarding and draft portion of brief opposing motion for new trial addressing alleged jury charge error. Confer with Mr. Killingsworth regarding response to motion for new trial and strategy for argument.
Review and analyze United's motion for new trial and draft response; review and analyze trial transcript.
Received/reviewed the reply in support for attorneys fees from $P$. Lundvall and responses from litigation team.
Revisions to response to motion for new trial. Revisions to analysis to Nevada bond requirements.
Reviewed and revised reply to motion for fees. Attention to scheduling hearing on post trial motions.

| 12.5 | $\$ 320.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ |
| :---: | :---: | :---: | :---: | :---: |
|  |  |  |  |  |
| 6.7 | $\$ 320.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ |


$5.1 \quad \$ 465.00 \quad \$ 0.00 \quad \$ 0.00 \quad$| (0\%) |
| :---: |

\$4,000.00

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+2,371.50

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+

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17 05/03/2022

18 05/03/2022
Leyendecker, Kevin
Byrd, Cameron

Jane
arguments in post-judgment motions. Review and revise opposition to motion for new trial. Review and revise opposition to motion for judgment as a matter of law. Confer with team regarding preparation of briefs. Review research and e-mails regarding bond and confer with team regarding same. Telephone conference with Mr. Smith regarding bond and their requested stipulation.
Review and analyze United's motion for new trial and draft response, review and analyze trial transcript.
Reviewing and revising the draft opposition to United's motion for remittitur.

Received/reviewed all
communications regarding the hearing on fees/costs. Received/reviewed communication from K. Leyendecker regarding discussion with counsel and scheduling clerk with the court. Assisted with draft of response to motion for new trial forwarded to attorneys.
Review, draft, and edit Response to Motion for New Trial. Review, draft, and edit Response to Renewed Motion for Judgment as a Matter of Law.

Draft and revise research findings regarding bond issues.

Draft and revise Plaintiffs' Objection to Defendants' Appeal Bond.

Continue work on opposition to United's Motion for Judgment as a Matter of Law. Revise draft opposition brief from Jane Robinson and cite check the same. Conduct legal research on United's arguments on Unfair Claims Practices Act and elements of implied-in-fact contract. Incorporate record citations for arguments on punitive damages in opposition brief. Review case on
Michal from Michael Killingsworth and conduct legal research relating to the same.
Confer with Kevin Leyendecker about draft brief in opposition to United's Motion for Remittitur. Review and edit the same. Continue research on constitutional standard for punitive damages.
Continue revising opposition to United's Motion for New Trial for clarity and consistency. Revise arguments on discovery errors, jury instructions, and First Amendment issues based on comments and edits from team.

26 05/04/2022 Zavitsanos, John

Reviewed and revised remittitur response. Working on objection to bond filed by United. Review of exhibits for JMOL response. Review

|  |  | $(0 \%)$ |  |  |
| :---: | :---: | :---: | :---: | :---: |
| 10.2 | $\$ 575.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ |
| 9.1 | $\$ 595.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ |

\$651.00
\$511.50
(0\%)
$\begin{array}{lllll}1.8 & \$ 320.00 & \$ 0.00 & \$ 0.00 & \$ 0.00 \\ (0 \%)\end{array}$

- 6.00
$3.8 \quad \$ 320.00 \quad \$ 0.00 \quad \$ 0.00$

$3.7 \$ 750.00$
\$0.00
$\$ 0.00$

27 05/04/2022
Robinson, Jane

28 05/04/2022

29 05/04/2022

Byrd, Cameron

Leyendecker, Kevin

Flores, Myrna
D.

30 05/04/2022

31 05/04/2022
Killingsworth, Michael

Liao, Louis
of final version of response to motion for new trial.
Revise response to motion for remittitur, response to motion for judgment notwithstanding the verdict, response to motion for new trial, and motion to exceed page limits. Continue to research regarding arguments in all responses. Confer with team regarding strategy and revisions. Review and analyze record for use in briefing. Proofread and finalize briefs for filings.
Review and analyze United's motion for new trial and draft response, review and analyze trial transcript, revise response to United's remittitur motion, revise response to United's renewed motion for judgment as a matter of law.

Finalize opposition to the motion for remittitur, including incorporating comments received from others. Draft motion for leave to use more pages in connection with the response to the motion for new trial. Conferring with Louis about
-


Received/reviewed/responded to communications regarding filings today. Received/reviewed the draft plaintiffs opposition to defendants appeal bond as well as communications from attorneys. Received/reviewed all communications regarding the response to motion for new trial. Assisted with draft of motion for new trial and pulled exhibits to be filed. Received/reviewed draft of opposition to motion for remittitur from K. Leyendecker.
Received/reviewed the Opposition to motion for Remittitur from K. Leyendecker updated and recirculated. Received okay to finalize and file. Sent A. Keniston a note. Received/reviewed the plaintiffs motion for leave to exceed page limits. Received/reviewed communications regarding the upcoming hearings.
Received/reviewed Health Care Providers' Reply In Support Of Motion For Attorneys' Fees filed today. Assisted with draft of JMOL and forwarded to team.
Edit and finalize Response to Motion for New Trial, Response to Motion for Judgment as a Matter of Law, and Response to Motion for Remittitur. Edit Motion for Page Extension.
Finalize response briefs in opposition to United's Motion for New Trial, Motion for Remittitur, and Renewed Motion for Judgment as a Matter of Law. Continue review key record evidence and incorporate the same

| 12.9 | $\$ 595.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ |
| :---: | :---: | :---: | :---: | :---: |
| $(0 \%)$ |  |  |  |  |

\$7,675.50

| 5.8 | $\$ 320.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 1,856.00$ |
| :---: | :---: | :---: | :---: | :---: | :---: |
| 14.4 | $\$ 320.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 4,608.00$ |

(0\%)

33 05/04/2022

34 05/05/2022
$35 \quad 05 / 05 / 2022$

35 05/05/2022
Deres, F.
Ruth

| Zavitsanos, |
| :---: |
| John |

Reviewed Table of Authorities and
Table of Contents on Response to
Motion for New Trial. Motion for New Trial. Working on defective bond issue. Attention to scheduling hearing on fees.
Prepare for argument on postjudgment motions. Correspond with Ms. Harmon to follow up regarding procedure for challenging bond. Review draft objection to bond.
Research regarding $\square$


36 05/05/2022
Byrd, Cameron

Analyze issues related to United's motion for new trial.
eviewed Table of Authorities and John

Forwarded the Plaintiffs Opposition to Defendants Motion for Remittitur and to Alter or Amend Judgment to J. Fineberg. Received/reviewed

37 05/05/2022 Flores, Myrna communications regarding the bond. Received/reviewed communications regarding the hearing on fess and costs. Received/reviewed communication from K. Leyendecker to T . White regarding the hearing on May 11th.
Exchange e-mails with AZA team on potential sealing issues and review filings for the same. Review hearing transcripts, orders, and status reports on sealing.
Review and confer with Mr.
Hernandez regarding bond rider form that could be used to clarify United's bond. Confer with team regarding status of bond.
Received/reviewed all communications regarding objection to the bond.
Confer with bondsmen regarding deficiencies in Defendants' appeal bond.
41 05/06/2022
42 05/07/2022
Zavitsanos, John Robinson, Jane
43 05/07/2022

44 05/09/2022 Robinson, Jane
in briefing. Revise arguments in opposition briefs on punitive damages and discuss the same with Kevin Leyendecker and team. Organize exhibits for filing. Revise briefs for consistency and clarity.

46 05／09／2022
47 05／09／2022
48 05／09／2022 $\left.\begin{array}{c}\text { Hernandez，} \\ \text { Alexander } \\ \text {＂Alex＂}\end{array}\right\}$

Killingsworth， Michael

Hernandez， Alexander ＂Alex＂ Ruth

51 05／10／2022

52 05／11／2022

53 05／11／2022

54 05／11／2022
$55 \quad 05 / 12 / 2022$

56 05／13／2022

Flores，Myrna D． John

Robinson， Jane

Flores，Myrna D．
Robinson，

|  | 56 Jane |
| :---: | :---: | :---: |
| $57 \quad 05 / 13 / 2022$ |  |
| 57 | Robinson， <br> Jane |

requested by M．Killingswoth and responded．Sent communication to R．Deres．
Review and analyze Nevada supreme


Review and assess caselaw from all jurisdictions relevant to issue of



Draft and revise email to client， Carol Owens，regarding prospective challenges to Defendants＇appeal bond．

Confer with Jane Robinson regarding Defendants＇appeal bond．

Per Myrna Flores，searched emails for sharefile link containing key documents to Phil McSween．
Received／reviewed communication from P．Lundvall regarding

## －

Continue review of authorities on propriety of United＇s bond．
Review form of bond rider．
Correspond with Mr．Polsenberg regarding requested amendments to bond．

Received／reviewed communications regarding the hearing scheduled on 5－12，Received／reviewed additional communications regarding the hearing．

Review correspondence from court resetting hearings on post－judgment motions．Review telephone message from Mr．Smith，counsel for United．

Confer with team regarding United＇s request for an extension．Review message from United＇s counsel and correspond with counsel regarding request．
Correspond with team regarding supplemental submission on attorneys＇fees and preparation for post－judgment motions．Review rider for bond and confer with team regarding rider and requested stipulation．Review proposed stipulation and order regarding deadlines for post－judgment reply briefs and correspond with United＇s counsel regarding same．Correspond with team regarding appeal bond and requested extension for reply briefs．

Review and analyze previous attorneys＇fees submission to determine

Robinson， Jane
multiple emails with team regarding United＇s request for a stipulation regarding the appeal bond and regarding supplemental attorneys＇ fees submission．

$\$ 64.00$
\＄1，348．50
$\$ 186.00$
$\$ 46.50$
$\$ 37.00$
\＄23．00
\＄675．00
\＄119．00

| 0.8 | $\$ 595.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 476.00$ |
| :--- | :--- | :--- | :--- | :--- | :--- |

59 05/19/2022 $\begin{gathered}\text { Robinson } \\ \text { Jane }\end{gathered}$

60 05/23/2022
Robinson,

| Jane |
| :---: |

Exchange emails regarding supplemental attorneys' fees submission. Analyze and exchange emails with team regarding electronic review and production of documents in litigation.
Review briefing and transcript of argument regarding motion to amend joint pretrial memorandum for purposes of drafting proposed order granting motion. Review and analyze rules governing pretrial conference and joint pretrial memorandum for use in drafting order. Draft outline of proposed order granting motion to amend joint pretrial memorandum. Prepare for argument regarding motion for new trial. Confer with Mr. Byrd regarding same.
Continue to draft proposed order granting motion to amend joint pretrial memorandum.
Continue drafting proposed order granting motion to amend joint pretrial memorandum. Research regarding defendants' arguments in opposition to motion in order to ensure arguments are appropriately addressed in order. Continue review and analysis of briefing on motion and transcript of argument in order to capture and address parties' arguments in proposed order. Research regarding availability of punitive damages for unjust enrichment claim in support of draft order, preparation for argument on post-judgment motions, and in anticipation of appeal.
Review of numerous emails concerning need for proposed order on prior pretrial memorandum to encompass claims for punitive damages.
Correspond with Ms. Kinnard and Mr. Leyendecker regarding invoices for supplemental attorneys' fees submission. Continue to research 64 05/26/2022
Robinson, Jane

Review and revise draft order granting motion to amend joint pretrial memorandum.
65 05/27/2022
Zavitsanos, Exchange emails concerning shared John savings evidence.
Draft outline of oral argument in response to motion for new trial. 66 05/27/2022

0.3 \$595.00 \$0.00 \$0.00 \$0.00
(0\%)
\$178.50
$3.6 \quad \$ 595.00 \quad \$ 0.00 \quad \$ 0.00 \quad \$ 0.00$
(0\%)
\$2,142.00
\$2,142.00
$5.8 \quad \$ 595.00 \quad \$ 0.00 \quad \$ 0.00 \begin{array}{cc}\$ 0.00 \\ (0 \%)\end{array} \quad \$ 3,451.00$

. 12.00

\$2,142.00
$\begin{array}{ccccc}3.6 & \$ 595.00 & \$ 0.00 & \$ 0.00 & \$ 0.00 \\ (0 \%)\end{array}$
$0.5 \quad \$ 595.00 \quad \$ 0.00 \quad \$ 0.00 \quad \$ 0.00 \quad \$ 297.50$
\$2,023.00
\$150.00
\$2,737.00
$\$ 150.00$
$\begin{array}{rllll}0.5 & \$ 595.00 & \$ 0.00 & \$ 0.00 & \$ 0.00 \\ (0 \%)\end{array}$
$\begin{array}{llllll}0.2 & \$ 750.00 & \$ 0.00 & \$ 0.00 & \$ 0.00 & (0 \%)\end{array}$
\$0.00
(0\%)
$\begin{array}{ccccc}4.6 & \$ 595.00 & \$ 0.00 & \$ 0.00 & \$ 0.00 \\ (0 \%)\end{array}$
$\mid$
68 05/30/2022

69 05/31/2022
preparation to argue post-judgment motions.

Prepare for and attend team status meeting.
Exchange emails about proposed order concerning punitive damage.
Confer with team regarding status of United's and Multiplan's motions to seal and procedure for disputed records pending appeal, status of record and exhibits that no party has sought to seal and prospect for releasing those portions once court has ruled on remaining disputed documents, and preparation for hearing on post-judgment motions and motions on fees and costs. Continue to research regarding and outline argument for opposition to motion for new trial, focusing on alleged errors relating to the admission and exclusion of evidence and limine rulings, and the relevant standards of review. Review correspondence with Mr. White regarding status of sealing motion.

| 0.4 | $\$ 750.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 300.00$ |
| :---: | :---: | :---: | :---: | :---: | :---: |
| 0.2 | $\$ 750.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ <br> $(0 \%)$ | $\$ 150.00$ |


| Sub Total: | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 130,582.00$ |
| ---: | :--- | :--- | :--- | :--- |
| Grand Total: | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 130,582.00$ |

Client Adjusted Charges Summary

| Date | Biller | Units | Adj. Amount (USD) |  | Details |
| :---: | :---: | :---: | :---: | :---: | :---: |
|  |  | Sub-Total: Grand Total: |  | \$0.00 |  |
|  |  |  |  | \$0.00 |  |

## Invoice Overview Report - Law Firm Invoice ID: 42277

Lash \& Goldberg LLP, Miami
Please Remit Payment to:
100 SE 2nd Street, Suite 1200 Miami, FL 33131
UNITED STATES
Tax ID:

| Invoice Information |  |  |
| :---: | :---: | :---: |
| TH Matter Number: 2019-CRP-1948 | Invoice Currency: US Dollar |  |
| CounselLink Invoice 72951673 | NET TO PAY (USD): | \$5,592.50 |
| Law Firm Matter ID: 69476.065 |  |  |
| CounselLink Upload $\begin{gathered}\text { Date: } \\ 03 / 14 / 2022\end{gathered}$ |  |  |
| Final Invoice: No | Invoice Date: | 03/14/2022 |
| Submitted By: N/A | Service Period: | 02/01/2022-02/23/2022 |
| Attention: Phil McSween | Matter Contact: | Owen, Carol |
| Corporate Customer: TEAMHealth Legal | Contact Office: | Corporate |
| Billing Office Address: | Contact Office Address: | 265 Brookview Centre Way <br> Suite 400 <br> Knoxville, TN 37919 |
| Matter Title: Case 34-United NV |  |  |
| Invoice Description: TH/UHC Nevada Litigation |  |  |

Invoice Additional Information

Lawson Vendor ID: 76975
GL Account \#: 83220

Accounting Unit: 10300
Lawson Vendor ID-AP
Points:

Matter Spend Performance

| Matter |  | Actual <br> (USD) |  |  |
| :---: | :---: | :---: | :---: | :---: |
| Life of Matter: |  |  |  |  |

## Invoice Summary

| Type | Amount | Client <br> Adjustment | Invoice <br> Adjustment | Tax | Cost <br> Share | Net | Prompt <br> Pay <br> Discount | Approved <br> to Date | Net to <br> Pay |
| ---: | ---: | ---: | ---: | ---: | ---: | ---: | ---: | ---: | ---: |
| Fees (USD):$\$ 5,092.50$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 5,092.50$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 5,092.50$ |  |
| Expenses <br> (USD): | $\$ 500.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 500.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 500.00$ |
| Total (USD): $\$ 5,592.50$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 5,592.50$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 5,592.50$ |  |


| Allocation Summary |  |  |  |  |  |
| :--- | :--- | :--- | :--- | :--- | :--- |
| Contact <br> Charge Type | Allocated <br> Amount <br> (USD) | Cost <br> Share <br> (USD) | Net <br> (USD) | Prompt <br> Piscount <br> (USD) | Net To <br> Pay <br> (USD) |

## DEFAULT ALLOCATION

| Fees - 100.000000\% - Balance Remaining |  | $\$ 5,092.50$ | $\$ 0.00$ | $\$ 5,092.50$ | $\$ 0.00$ | $\$ 5,092.50$ |
| :--- | ---: | ---: | ---: | ---: | ---: | ---: |
| Expenses - 100.000000\% - Balance Remaining | $\$ 500.00$ | $\$ 0.00$ | $\$ 500.00$ | $\$ 0.00$ | $\$ 500.00$ |  |
|  | Sub-Total: | $\$ 5,592.50$ | $\$ 0.00$ | $\$ 5,592.50$ | $\$ 0.00$ | $\$ 5,592.50$ |
| +Cost Sharing; $\ddagger$ Track Limit <br> Overage | Total: | $\$ 5,592.50$ | $\$ 0.00$ | $\$ 5,592.50$ | $\$ 0.00$ | $\$ 5,592.50$ |


| Approval Summary |  |  |
| :---: | :---: | :---: |
| Date |  |  |
|  | User | Amount <br> (USD) |
| $03 / 23 / 2022$ | Owen, Carol | Total: |


| Timekeeper Summary |  |  |  |  |  |  |
| :--- | :---: | :---: | :---: | :---: | :---: | ---: |
| Timekeeper | Timekeeper ID | Level | Rate | Units | Fees Billed <br> (USD) | Fees Recommended <br> (USD) |
| Rivas, Brittany M | BMR | Paralegal | $\$ 235.00$ | 0.8 | $\$ 188.00$ | $\$ 188.00$ |
| Shiekman, Benjamin R | BRS | Senior Associate | $\$ 470.00$ | 0.2 | $\$ 94.00$ | $\$ 94.00$ |
| Fineberg, Justin | JCF | Partner | $\$ 625.00$ | 2.8 | $\$ 1,750.00$ | $\$ 1,750.00$ |
| Stafford, Jeffrey L | JLS | Paralegal | $\$ 235.00$ | 2.3 | $\$ 540.50$ | $\$ 540.50$ |
| Leblanc, Rachel H | RHL | Partner | $\$ 560.00$ | 4.5 | $\$ 2,520.00$ | $\$ 2,520.00$ |


| Charges Summary |  |  |  |  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Fees |  |  |  |  |  |  |  |  |  |
| \# | Date | Timekeeper | Description | Units | Rate (USD) | Adj. (USD) | Inv. Adj. (USD) | $\begin{gathered} \text { Tax } \\ \text { (USD) } \end{gathered}$ | $\begin{gathered} \text { Net } \\ \text { (USD) } \end{gathered}$ |
| 1 | 02/01/2022 | Fineberg, Justin | Review and revise case statement and notice; prepare e-mail to client regarding same | 0.3 | \$625.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$187.50 |
| 3 | 02/04/2022 | Rivas, Brittany M | Analysis and strategy related to new case information and upcoming deadlines related to same and prepare detailed notes for future ease of reference | 0.4 | \$235.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$94.00 |
| 4 | 02/04/2022 | Shiekman, Benjamin R | Attend weekly call with all counsel regarding most pressing strategic issues | 0.2 | \$470.00 | \$0.00 | \$0.00 | $\begin{array}{r} \$ 0.00 \\ (0 \%) \end{array}$ | \$94.00 |
| 5 | 02/04/2022 | Stafford, Jeffrey L | Review post trial filings and transcript of recent hearing | 1.4 | \$235.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$329.00 |
| 6 | 02/11/2022 | Rivas, Brittany M | Analysis and strategy related to new case information and upcoming deadlines related to same and prepare detailed notes for future ease of reference | 0.4 | \$235.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$94.00 |
| 7 | 02/14/2022 | Fineberg, Justin | Continue to review and analyze outstanding procedural and substantive issues and issues regarding final judgment; review motions and confer with counsel regarding same | 0.3 | \$625.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$187.50 |
| 8 | 02/14/2022 | Leblanc, Rachel H | Review motion to unlock certain trial exhibits in light United's dispute that the trial exhibits are, in fact, public record in Case 22 | 0.2 | \$560.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$112.00 |
| 9 | 02/16/2022 | Fineberg, Justin | Confer with counsel regarding arguments, strategy and hearing | 1.4 | \$625.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$875.00 |
| 10 | 02/16/2022 | Leblanc, | Attend hearing on motion to seal and | 2.1 | \$560.00 | \$0.00 | \$0.00 | \$0.00 | \$1,176.00 |



## Invoice Overview Report - Law Firm Invoice ID: 42586

Lash \& Goldberg LLP, Miami
Please Remit Payment to:
100 SE 2nd Street, Suite 1200 Miami, FL 33131
UNITED STATES
Tax ID:

| Invoice Information |  |  |
| :---: | :---: | :---: |
| TH Matter Number: 2019-CRP-1948 | Invoice Currency: US Dollar |  |
| CounselLink Invoice 73184626 | NET TO PAY (USD): | \$3,143.50 |
| Law Firm Matter ID: 69476.065 |  |  |
| $\begin{array}{r} \text { CounselLink Upload } \\ \text { Date: } 04 / 22 / 2022 \end{array}$ |  |  |
| Final Invoice: No | Invoice Date: | 04/22/2022 |
| Submitted By: N/A | Service Period: | 03/01/2022-03/29/2022 |
| Attention: Phil McSween | Matter Contact: | Owen, Carol |
| Corporate Customer: TEAMHealth Legal | Contact Office: | Corporate |
| Billing Office Address: | Contact Office Address: | 265 Brookview Centre Way <br> Suite 400 <br> Knoxville, TN 37919 |
| Matter Title: Case 34-United NV |  |  |
| Invoice Description: TH/UHC Nevada Litigation |  |  |

Invoice Additional Information

Lawson Vendor ID: 76975
GL Account \#: 83220

Accounting Unit: 10300
Lawson Vendor ID-AP
Points:

Matter Spend Performance

| Matter |  | Actual <br> (USD) |  |
| :---: | :---: | :---: | :---: |
| Life of Matter: |  |  |  |

## Invoice Summary

| Type | Amount | Client <br> Adjustment | Invoice <br> Adjustment | Tax | Cost <br> Share | Net | Prompt <br> Pay <br> Discount | Approved <br> to Date | Net to <br> Pay |
| :---: | ---: | ---: | ---: | ---: | ---: | ---: | ---: | ---: | ---: |
| Fees (USD):$\$ 3,143.50$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 3,143.50$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 3,143.50$ |  |
| Expenses |  |  |  |  |  |  |  |  |  |
| (USD): | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ |
| Total (USD): $\$ 3,143.50$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 3,143.50$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 3,143.50$ |  |


| Allocation Summary |  |  |  |  |  |
| :--- | :--- | :--- | :--- | :--- | :--- |
| Contact <br> Charge Type | Allocated <br> Amount <br> (USD) | Cost <br> Share <br> (USD) | Net <br> (USD) | Prompt <br> Piscount <br> (USD) | Net To <br> Pay <br> (USD) |

https://www.counsellink.net/reports/lb_summary_report.jsp?currency=p\&multipleInvoices=T

## DEFAULT ALLOCATION

| Fees - 100.000000\% - Balance Remaining | $\$ 3,143.50$ | $\$ 0.00$ | $\$ 3,143.50$ | $\$ 0.00$ | $\$ 3,143.50$ |
| :--- | ---: | ---: | ---: | ---: | ---: |
| Expenses - 100.000000\% - Balance Remaining | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ |
|  | Sub-Total: |  |  |  |  |
|  | $\$ 3,143.50$ | $\$ 0.00$ | $\$ 3,143.50$ | $\$ 0.00$ | $\$ 3,143.50$ |
| +Cost Sharing; ; Track Limit <br> Overage | Total: | $\$ 3,143.50$ | $\$ 0.00$ | $\$ 3,143.50$ | $\$ 0.00$ |

$\left.\begin{array}{|c|c|c|c|}\hline \text { Approval Summary } & & \\ \hline \text { Date } & & & \\ \hline & & \text { User } & \text { Amount } \\ \text { (USD) }\end{array}\right]$

| Timekeeper Summary |  |  |  |  |  |  |  |  |
| :--- | ---: | ---: | ---: | ---: | ---: | ---: | :---: | :---: |
| Timekeeper | Timekeeper ID | Level | Rate | Units | Fees Billed <br> (USD) | Fees Recommended <br> (USD) |  |  |
| Lash, Alan | ADL | Partner | $\$ 700.00$ | 0.2 | $\$ 140.00$ | $\$ 140.00$ |  |  |
| Rivas, Brittany M | BMR | Paralegal | $\$ 235.00$ | 0.4 | $\$ 94.00$ | $\$ 94.00$ |  |  |
| Fineberg, Justin | JCF | Partner | $\$ 625.00$ | 1.1 | $\$ 687.50$ | $\$ 687.50$ |  |  |
| Siegelaub, Jonathan E | JES | Partner | $\$ 530.00$ | 0.5 | $\$ 265.00$ | $\$ 265.00$ |  |  |
| Stafford, Jeffrey L | JLS | Paralegal | $\$ 235.00$ | 3 | $\$ 705.00$ | $\$ 705.00$ |  |  |
| Leblanc, Rachel H | RHL | Partner | $\$ 560.00$ | 0.2 | $\$ 112.00$ | $\$ 112.00$ |  |  |
| Boies, Virginia L | VLB | Associate | $\$ 380.00$ | 3 | $\$ 1,140.00$ | $\$ 1,140.00$ |  |  |

## Charges Summary

## Fees

| \# | Date | Timekeeper | Description | Units | $\begin{aligned} & \text { Rate } \\ & \text { (USD) } \end{aligned}$ | Adj. (USD) | Inv. Adj. (USD) | $\begin{gathered} \text { Tax } \\ \text { (USD) } \end{gathered}$ | $\begin{gathered} \text { Net } \\ \text { (USD) } \end{gathered}$ |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| 1 | 03/01/2022 | Stafford, Jeffrey L | Review transcript of hearing and most recent filings regarding post-trial relief | 1.2 | \$235.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$282.00 |
| 2 | 03/04/2022 | Rivas, Brittany M | Analysis and strategy related to new case information and upcoming deadlines related to same and prepare detailed notes for future ease of reference | 0.4 | \$235.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$94.00 |
| 3 | 03/09/2022 | Stafford, Jeffrey L | Review the most recent filings and update file | 1.8 | \$235.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$423.00 |
| 4 | 03/09/2022 | Leblanc, <br> Rachel H | Review Judgment entered by Court and Order Denying Defendants' motion to cap punitive damage award | 0.2 | \$560.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$112.00 |
| 5 | 03/25/2022 | Siegelaub, Jonathan E | Introductory call with Bailey Kennedy, Nevada appellate counsel | 0.5 | \$530.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$265.00 |
| 6 | 03/28/2022 | Lash, Alan | Address preparation of motion for attorney's fees and needed assistance in connection with invoice redaction; follow up with Justin Fineberg regarding next steps regarding same; continue to coordinate matter | 0.2 | \$700.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$140.00 |
| 7 | 03/28/2022 | Fineberg, Justin | Analysis of outstanding issues regarding preparation of fee petition; address next steps regarding same | 0.5 | \$625.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$312.50 |
| 8 | 03/29/2022 | Fineberg, Justin | Continue to address preparation of fee petition; follow-up with Virginia Boies regarding review of invoices. | 0.6 | \$625.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$375.00 |
| 9 | 03/29/2022 | Boies, | Strategize approach to review of | 3 | \$380.00 | \$0.00 | \$0.00 | \$0.00 | \$1,140.00 |

$\begin{array}{ll}\text { Virginia L } & \begin{array}{l}\text { invoices for fees motion with Justin } \\ \\ \text { Fineberg; coordinate collection of }\end{array}\end{array}$ attorney biographies from firm website for fees motion; review Lash \& Goldberg invoices for privilege redactions for same

| Sub Total: | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 3,143.50$ |
| ---: | :--- | :--- | :--- | :--- |
| Grand Total: | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 3,143.50$ |

## Invoice Overview Report - Law Firm Invoice ID: 42738

Lash \& Goldberg LLP, Miami
Please Remit Payment to:
100 SE 2nd Street, Suite 1200 Miami, FL 33131
UNITED STATES
Tax ID:

| Invoice Information |  |  |
| :---: | :---: | :---: |
| TH Matter Number: 2019-CRP-1948 | Invoice Currency: US Dollar |  |
| CounselLink Invoice 73369856 | NET TO PAY (USD): | \$3,054.50 |
| Law Firm Matter ID: 69476.065 |  |  |
| CounselLink Upload $\begin{gathered}\text { Date: } \\ 05 / 19 / 2022\end{gathered}$ |  |  |
| Final Invoice: No | Invoice Date: | 05/19/2022 |
| Submitted By: N/A | Service Period: | 04/01/2022-04/27/2022 |
| Attention: Phil McSween | Matter Contact: | Owen, Carol |
| Corporate Customer: TEAMHealth Legal | Contact Office: | Corporate |
| Billing Office Address: | Contact Office Address: | 265 Brookview Centre Way <br> Suite 400 <br> Knoxville, TN 37919 |
| Matter Title: Case 34 - United NV |  |  |
| Invoice Description: TH/UHC Nevada Litigation |  |  |

## Invoice Additional Information

Lawson Vendor ID: 76975
GL Account \#: 83220

Accounting Unit: 10300
Lawson Vendor ID-AP
Points:

Matter Spend Performance

| Matter |  | Actual <br> (USD) |  |  |
| :---: | :---: | :---: | :---: | :---: |
| Life of Matter: |  |  |  |  |

## Invoice Summary

| Type | Amount | Client <br> Adjustment | Invoice <br> Adjustment | Tax | Cost <br> Share | Net | Prompt <br> Pay <br> Discount | Approved <br> to Date | Net to <br> Pay |
| ---: | ---: | ---: | ---: | ---: | ---: | ---: | ---: | ---: | ---: |
| Fees (USD):$\$ 4,934.50$ | $(\$ 1,880.00)$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 3,054.50$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 3,054.50$ |  |
| Expenses |  |  |  |  |  |  |  |  |  |
| (USD): |  |  |  |  |  |  |  |  |  |


| Allocation Summary |  |  |  |  |  |
| :--- | :--- | :--- | :--- | :--- | :--- |
| Contact <br> Charge Type | Allocated <br> Amount <br> (USD) | Cost <br> Share <br> (USD) | Net <br> (USD) | Prompt <br> Pay <br> Discount <br> (USD) | Net To <br> Pay <br> (USD) |

## DEFAULT ALLOCATION

| Fees - 100.000000\% - Balance Remaining |  | \$3,054.50 | \$0.00 | \$3,054.50 | \$0.00 | \$3,054.50 |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Expenses-100.000000\% - Balance Remaining |  | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
|  | Sub-Total: | \$3,054.50 | \$0.00 | \$3,054.50 | \$0.00 | \$3,054.50 |
| +Cost Sharing; \# Track Limit Overage | Total: | \$3,054.50 | \$0.00 | \$3,054.50 | \$0.00 | \$3,054.50 |


| Approval Summary |  |  |
| :---: | :---: | :---: |
| Date |  |  |
|  | User | Amount <br> (USD) |
| $05 / 23 / 2022$ | Owen, Carol | $\$ 3,054.50$ |


| Timekeeper Summary |  |  |  |  |  |  |  |
| :--- | :---: | ---: | ---: | ---: | ---: | ---: | :---: |
| Timekeeper | Timekeeper ID | Level | Rate | Units | Fees Billed <br> (USD) | Fees Recommended <br> (USD) |  |
| Stewart, Carmen S | CSS | Paralegal | $\$ 235.00$ | 8 | $\$ 1,880.00$ | $\$ 0.00$ |  |
| Fineberg, Justin | JCF | Partner | $\$ 625.00$ | 3.3 | $\$ 2,062.50$ | $\$ 2,062.50$ |  |
| Siegelaub, Jonathan E | JES | Partner | $\$ 530.00$ | 0.6 | $\$ 318.00$ | $\$ 318.00$ |  |
| Stafford, Jeffrey L | JLS | Paralegal | $\$ 235.00$ | 1.2 | $\$ 282.00$ | $\$ 282.00$ |  |
| Leblanc, Rachel H | RHL | Partner | $\$ 560.00$ | 0.7 | $\$ 392.00$ | $\$ 392.00$ |  |


| Charges Summary |  |  |  |  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Fees |  |  |  |  |  |  |  |  |  |
| \# | Date | Timekeeper | Description | Units | $\begin{aligned} & \text { Rate } \\ & \text { (USD) } \end{aligned}$ | Adj. (USD) | Inv. Adj. (USD) | $\begin{gathered} \text { Tax } \\ \text { (USD) } \end{gathered}$ | $\begin{gathered} \text { Net } \\ \text { (USD) } \end{gathered}$ |
| 1 | 04/01/2022 | Stewart, Carmen S | Continue to review TH production (14,584 pages), deduplicate documents and organize in chronological order for Jonathan Feuer's review in advance of deposition preparation | 8 | \$235.00 | (\$1,880.00) | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$0.00 |
| 2 | 04/06/2022 | Leblanc, Rachel H | Review United's motion for stay and order shortening time and communicate with Jane Robinson regarding same | 0.3 | \$560.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$168.00 |
| 3 | 04/07/2022 | Leblanc, Rachel H | Observe hearing on United's Motion to Stay judgment until resolution of post-judgment motions | 0.4 | \$560.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$224.00 |
| 4 | 04/15/2022 | Stafford, Jeffrey L | Review of recent submissions in Nevada; review email correspondence regarding Notice of Appeal and next steps | 1.2 | \$235.00 | \$0.00 | \$0.00 | $\begin{array}{r} \$ 0.00 \\ (0 \%) \end{array}$ | \$282.00 |
| 5 | 04/20/2022 | Fineberg, Justin | Continue to review and analyze outstanding procedural and substantive issues, post-trial motions, mediation and strategy; prepare for and attend telephone conference with Carol Owen regarding same to discuss options | 1.1 | \$625.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$687.50 |
| 6 | 04/20/2022 | Siegelaub, Jonathan E | Call with Carol Owen and Justin Fineberg regarding mediation statement | 0.6 | \$530.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$318.00 |
| 7 | 04/21/2022 | Fineberg, Justin | Review and analysis of outstanding procedural and substantive issues, settlement conference and status; prepare e-mail to client regarding | 0.6 | \$625.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$375.00 |

8 04/22/2022

9 04/27/2022


Fineberg,
Justin same; prepare e-mail to settlement judge; prepare for and attend telephone conference with client
Continue to review and analyze appellate issues and mediation; prepare e-mail to opposing counsel regarding same
Prepare for and attend telephone conference with opposing counsel regarding mediation and schedule and status; prepare for and attend telephone conference with client regarding same; develop mediation strategy; prepare for and attend telephone conference with Nevada counsel regarding mediation and requirements.

| mmary_report.jsp?currency=p\&multiplelnvoices=T |  |  |  | 017575 |
| :---: | :---: | :---: | :---: | :---: |
| 0.2 \$625.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$125.00 |
| 1.4 \$625.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$875.00 |
| Sub Total: | (\$1,880.00) | \$0.00 | \$0.00 | \$3,054.50 |
| Grand Total: | (\$1,880.00) | \$0.00 | \$0.00 | \$3,054.50 |

## Client Adjusted Charges Summary

\# $\quad$ Date | Biller | Units | Adj. <br> Amount <br> (USD) | Details |
| :--- | :--- | :--- | :--- | :--- |

CCR10 - Incorrect Matter: This related to United NV documents, but would have been for a different case - perhaps Case 47. I will approve this once it's transferred to the correct matter.

Continue to review TH production (14,584 pages), deduplicate documents and

1 04/01/2022 CSS
0 (\$1,880.00) organize in chronological order for Jonathan Feuer's review in advance of deposition preparation

Sub-Total: (\$1,880.00)
Grand Total: (\$1,880.00)

## Invoice Overview Report - Law Firm Invoice ID: 42938

Lash \& Goldberg LLP, Miami
Please Remit Payment to:
100 SE 2nd Street, Suite 1200 Miami, FL 33131
UNITED STATES
Tax ID:

| Invoice Information |  |  |
| :---: | :---: | :---: |
| TH Matter Number: 2019-CRP-1948 | Invoice Currency: US Dollar |  |
| CounselLink Invoice 73535487 | NET TO PAY (USD): | \$4,737.00 |
| Law Firm Matter ID: 69476.065 |  |  |
| CounselLink Upload $\begin{gathered}\text { Date: } \\ 06 / 14 / 2022\end{gathered}$ |  |  |
| Final Invoice: No | Invoice Date: | 06/14/2022 |
| Submitted By: N/A | Service Period: | 05/03/2022-05/28/2022 |
| Attention: Phil McSween | Matter Contact: | Owen, Carol |
| Corporate Customer: TEAMHealth Legal | Contact Office: | Corporate |
| Billing Office Address: | Contact Office Address: | 265 Brookview Centre Way <br> Suite 400 <br> Knoxville, TN 37919 |
| Matter Title: Case 34 - United NV |  |  |
| Invoice Description: TH/UHC Nevada Litigation |  |  |

## Invoice Additional Information

Lawson Vendor ID: 76975
GL Account \#: 83220

Accounting Unit: 10300
Lawson Vendor ID-AP
Points:

Matter Spend Performance

| Matter |  | Actual <br> (USD) |  |  |
| :---: | :---: | :---: | :---: | :---: |
| Life of Matter: |  |  |  | $\$ 15,549,100.69$ |

## Invoice Summary

| Type | Amount | Client <br> Adjustment | Invoice <br> Adjustment | Tax | Cost <br> Share | Net | Prompt <br> Pay <br> Discount | Approved <br> to Date | Net to <br> Pay |
| ---: | ---: | ---: | ---: | ---: | ---: | ---: | ---: | ---: | ---: |
| Fees (USD):$\$ 4,737.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 4,737.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 4,737.00$ |  |
| Expenses |  |  |  |  |  |  |  |  |  |
| (USD): | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ |
| Total (USD): $\$ 4,737.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 4,737.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 4,737.00$ |  |


| Allocation Summary |  |  |  |  |  |
| :--- | :--- | :--- | :--- | :--- | :--- |
| Contact <br> Charge Type | Allocated <br> Amount <br> (USD) | Cost <br> Share <br> (USD) | Net <br> (USD) | Prompt <br> Piscount <br> (USD) | Net To <br> Pay <br> (USD) |

## DEFAULT ALLOCATION

Fees - 100.000000\% - Balance Remaining<br>Expenses - 100.000000\% - Balance Remaining

|  | $\$ 4,737.00$ | $\$ 0.00$ | $\$ 4,737.00$ | $\$ 0.00$ | $\$ 4,737.00$ |
| ---: | ---: | ---: | ---: | ---: | ---: |
| Sub-Total: | $\$ 4,737.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ | $\$ 0.00$ |


| Approval Summary |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: |
| Date | User |  | Amount (USD) |  |
| 06/15/2022 | Owen, Carol | Total: |  | \$4,737.00 |
|  |  |  |  | \$4,737.00 |


| Timekeeper Summary |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| :--- | ---: | ---: | ---: | ---: | ---: | ---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Timekeeper | Timekeeper ID | Level | Rate | Units | Fees Billed <br> (USD) | Fees Recommended <br> (USD) |  |  |  |  |  |  |  |  |  |
| Fineberg, Justin | JCF | Partner | $\$ 625.00$ | 5 | $\$ 3,125.00$ | $\$ 3,125.00$ |  |  |  |  |  |  |  |  |  |
| Siegelaub, Jonathan E | JES | Partner | $\$ 530.00$ | 0.4 | $\$ 212.00$ | $\$ 212.00$ |  |  |  |  |  |  |  |  |  |
| Leblanc, Rachel H | RHL | Partner | $\$ 560.00$ | 2.5 | $\$ 1,400.00$ | $\$ 1,400.00$ |  |  |  |  |  |  |  |  |  |


| Charges Summary |  |  |  |  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Fees |  |  |  |  |  |  |  |  |  |
| \# | Date | Timekeeper | Description | Units | $\begin{aligned} & \text { Rate } \\ & \text { (USD) } \end{aligned}$ | Adj. (USD) | Inv. Adj. (USD) | $\begin{gathered} \operatorname{Tax} \\ \text { (USD) } \end{gathered}$ | $\begin{gathered} \text { Net } \\ \text { (USD) } \end{gathered}$ |
| 1 | 05/03/2022 | Fineberg, Justin | Review, revise and edit response in support of motion for attorneys' fees; prepare e-mail to client regarding same; review e-mail regarding mediation and scheduling of initial call; prepare e-mail to regarding same | 2.6 | \$625.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$1,625.00 |
| 2 | 05/03/2022 | Siegelaub, Jonathan E | Call with Michael Killingsworth to discuss ERISA preemption | 0.4 | \$530.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$212.00 |
| 3 | 05/03/2022 | Leblanc, <br> Rachel H | Review and draft revisions to Health Care Providers' Reply in Support of Motion for Attorney's Fees | 1.2 | \$560.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$672.00 |
| 4 | 05/04/2022 | Fineberg, Justin | Review and analyze post-trial responsive motions and status; prepare e-mail to client regarding appellate mediation | 0.5 | \$625.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$312.50 |
| 5 | 05/05/2022 | Fineberg, Justin | Review and analysis of outstanding procedural and substantive issues, outstanding discovery issues and recent filings; prepare e-mail to counsel regarding same and issues regarding confidentiality | 0.2 | \$625.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$125.00 |
| 6 | 05/05/2022 | Leblanc, Rachel H | Review of Plaintiff's responses to Defendants' post trial motions and identify arguments/themes to be used in other TH cases against various Defendants' theories | 1.1 | \$560.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$616.00 |
| 7 | 05/13/2022 | Leblanc, <br> Rachel H | Review notice regarding pro hac vice admission and communicate with Pat Lundvall regarding same | 0.2 | \$560.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$112.00 |
| 8 | 05/16/2022 | Fineberg, Justin | Prepare for and attend pre-mediation call | 0.8 | \$625.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$500.00 |
| 9 | 05/24/2022 | Fineberg, Justin | Prepare for and attend telephone conference with client regarding | 0.5 | \$625.00 | \$0.00 | \$0.00 | $\begin{gathered} \$ 0.00 \\ (0 \%) \end{gathered}$ | \$312.50 |

10 05/27/2022

11 05/28/2022
 outstanding procedural and substantive issues, outstanding issues and strategy

Review file and status of mediation; prepare e-mail to counsel and mediator regarding same
Review email for appellate mediator regarding scheduling settlement conference; prepare e-mail to client regarding same.

334
334

## RSPN

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## DISTRICT COURT

## CLARK COUNTY, NEVADA

FREMONT EMERGENCY SERVICES $\mid$ Case No.: A-19-792978-B
(MANDAVIA), LTD., a Nevada professional corporation; TEAM PHYSICIANS OF NEVADA-MANDAVIA, P.C., a Nevada professional corporation; CRUM, STEFANKO AND JONES, LTD. dba RUBY CREST EMERGENCY MEDICINE, a Nevada professional corporation,

Dept. No.: 27

DEFENDANTS' RESPONSE TO
IMPROPER SUPPLEMENT ENTITLED "NOTICE OF SUPPLEMENTAL ATTORNEY FEES INCURRED AFTER SUBMISSION OF HEALTH CARE PROVIDERS' MOTION FOR ATTORNEYS FEES"
vs.
UNITED HEALTHCARE INSURANCE COMPANY, a Connecticut corporation; UNITED HEALTH CARE SERVICES INC., dba UNITEDHEALTHCARE, a Minnesota corporation; UMR, INC., dba UNITED MEDICAL RESOURCES, a Delaware corporation; SIERRA HEALTH AND LIFE INSURANCE COMPANY, INC., a Nevada corporation; HEALTH PLAN OF NEVADA, INC., a Nevada corporation,

Defendants.

Defendants UnitedHealthcare Insurance Company ("UHIC"), United HealthCare Services, Inc. ("UHS"), UMR, Inc. ("UMR"), Sierra Health and Life Insurance Co., Inc. ("SHL"), and Health Plan of Nevada, Inc. ("HPN") (collectively "Defendants"), by and through their attorneys, hereby file this response to the improper supplement filed by Plaintiffs entitled "Notice of Supplemental Attorneys Fees Incurred After Submission of Health Care Providers' Motion for Attorneys Fees" (the "Improper Supplement"). As set forth below, it is both procedurally improper and substantively meritless. This Court should thus deny the request for supplemental attorneys' fees contained therein or, at a minimum, drastically discount it. ${ }^{1}$

## I. INTRODUCTION

Just two business days before this Court was scheduled to hear Plaintiffs' Motion for Attorneys' Fees (the "Motion"), which seeks recovery of nearly 13 million dollars in fees and has been pending for months, Plaintiffs filed a "Notice of Supplemental Attorneys Fees" seeking to tack on almost $\$ 1$ million in additional fees. The "Notice" is improper from both a procedural and substantive standpoint.

First, this Court did not authorize any supplemental briefing related to the Motion, and the time to file any supplement to the Motion has long passed. Moreover, Nevada law requires that an ask of attorneys' fees under Rule 54 be made $\underline{\boldsymbol{b y} \text { Motion, with several requirements set }}$

[^0]forth that must be made in that motion. Filing a simple "notice" two business days before a hearing asking for the recovery of nearly $\$ 1$ million in additional fees does not suffice, particularly given that it is Plaintiffs' burden to justify the award of fees that they seek.

Even worse than its procedural deficiencies is the fact that Plaintiffs misrepresent the fees sought in the Improper Supplement in an effort to sneak in an untimely request. That is, despite claiming that the Improper Supplement encompasses fees incurred after the Motion was filedas indicated in the title-a cursory review of the invoices therein shows that over $60 \%$ of the additional fees sought were incurred-and billed-before the Motion was filed. In other words, Plaintiffs seek to slip in through this "Notice" an additional three months of fees that they omitted from the original Motion. Their recovery of those fees is barred by NRCP 54, which imposes a strict 21-day time limit, with no option to extend the time limit, when seeking fees under that rule.

Last, even if this Court were to consider the fees sought in the Improper Supplement, it should apply the same reduction that Defendants asked this Court to apply in their Opposition to the Motion, as the fees sought here are plagued with the same problems that permeate the fees heretofore addressed in the Motion.

In sum, this Court should refuse to consider the fees sought in the Improper Supplement. If this Court does consider the fees therein, it should consider only those incurred after Plaintiffs filed the Motion, and it should further apply a 70 percent discount to those fees remaining.

## II. RELEVANT PROCEDURAL HISTORY

Plaintiffs filed their Motion for Attorneys' Fees on March 30, 2022. As stated therein, it was filed within the 21-day time limit set forth in NRCP 54(d)(2)(B)(i), as notice of entry of judgment in this case was served on March 9, 2022. Mot. at 4:16-18. The Motion was fully briefed by the parties thereafter-Defendants filed their Opposition to the Motion (the "Opposition") on April 20, 2022, and Plaintiffs filed their Reply on May 4, 2022.

Late afternoon on Friday June 24th, just two business days before the Motion was set to be heard by this Court, Plaintiffs filed a "Notice of Supplemental Attorneys Fees Incurred After Submission of the Health Care Providers' Motion for Attorneys Fees," seeking an additional
$\mathbf{\$ 8 3 5 , 0 4 1 . 0 0}$ in fees that were not addressed in the Motion. Defendants accordingly respond to the improper and untimely request-to the extent that can adequately be done in such a short timeframe-as follows:

## III. LEGAL ARGUMENT

The party moving for attorneys' fees must carry the burden of showing the reasonableness of the fees sought. See Chalmers v. City of Los Angeles, 796 F.2d 1205, 1210 (9th Cir. 1986). Plaintiffs' Improper Supplement does not come close to meeting that burden.

## A. A Supplement is an Inappropriate Means of Seeking a Fee Award.

The Supplement filed by Plaintiffs is a procedurally improper mechanism for seeking an award of fees. Rule 54(d)(2)(A) is clear: "A claim for attorney fees must be made by motion." Further, EDCR 2.20 provides that "[s]upplemental briefs will only be permitted if filed within the original time limitations" set forth for a motion, opposition, and reply, "or by order of the court." EDCR 2.20(i).

Here, Plaintiffs seek an additional award of attorneys' fees to those sought in the Motion, without moving for the same as required by Rule 54. But seeking an award of fees through this mechanism is not compliant with the Rule. That is, Plaintiffs must move for the additional fees, rather than filing on a "notice of supplemental attorneys' fees" not more than two business days before a hearing. The attempt at filing an Improper Supplement is a transparent effort to deprive Defendants of the opportunity to fully review and contest the reasonableness of the nearly $\$ 1$ million in additional attorneys' fees sought by Plaintiffs. It should not be tolerated.

Further, even if a "supplement" were the procedurally appropriate mechanism to seek fees additional to those sought in the Motion, Plaintiffs needed to first seek leave from this Court before filing a supplement. By doing so, this Court could have ordered an appropriate briefing schedule, moved the hearing date, and taken other steps to conserve judicial resources and the resources of the parties (including, Plaintiffs' own resources that they ask Defendants to pay for), while still allowing Defendants a full and fair opportunity to respond. For these reasons alone, this Court should refuse to consider the fees sought by Plaintiffs in the Improper Supplement.

## B. The Improper Supplement is an Untimely Request for Fees.

While entitling the Improper Supplement as "Fees Incurred After the Submission of [the Motion],"2 the Improper Supplement includes a request for fees incurred before the Motion was filed that were not submitted in the Motion. In other words, Plaintiffs seek an untimely award of fees.
" $[\mathrm{A}]$ ttorney fees may only be awarded when authorized by statute, rule, or agreement." Pardee Homes of Nevada v. Wolfram, 135 Nev. 173, 177, 444 P.3d 423, 426 (2019). Rule 54(d)(2)(B)(i) requires that a motion for fees under that rule be filed "no later than 21 days after written notice of entry of judgment is served." The 21-day period within the rule is intentionalit is meant to ensure a party has notice of any prevailing party fees sought before proceeding to file a notice of appeal. See In re Amendments to the Nev. Rules of Civil Procedure, ADKT 426 (Order Amending Nevada Rule of Civil Procedure 54, July 8, 2008) ("WHEREAS, it appears that codification of this court's holding in Collins in the form of a rule will result in broader awareness of the timing requirement for attorney fees motions, as well as more uniform application of the requirement...."); see also Collins v. Murphy, 113 Nev. 1380, 1384-85, 951 P.2d 598, 600-01 (1997) (holding that it was unfairly prejudicial and an error to adjudicate a motion for attorney fees filed after the deadline for filing a notice of appeal had passed). Further, " $[t]$ he court may not extend the time for filing the motion after the time has expired." NRCP 54(d)(2)(C). But the Improper Supplement seeks fees incurred before the Motion was filed and after the 21-day period to request an award for those fees as set forth under Rule 54.

The Improper Supplement includes three months' worth of fees incurred before the Motion was filed. Supp. at Ex. 1. To be clear, the untimely fee requests total \$514,297.50 of the $\$ 835,041.00$ sought by Plaintiffs-over 60 percent of the fees sought therein. Apparently, despite the three (3) firms and nineteen (19) attorneys billing to the case, Plaintiffs could not

[^1]collect the documentation for all fees they had incurred up to the time they filed their Motion. ${ }^{3}$ Regardless of any purported excuse as to why that happened, Plaintiffs have now waived the ability to collect fees for services provided before Plaintiffs filed their Motion.

Any untimely sought fees must be denied as the deadline prescribed in Rule 54 is strict and cannot be extended.

## C. The Improper Supplement is Plagued with the Same Problems as the Motion.

As set forth in the Opposition to the Motion, ${ }^{4}$ courts may only award "reasonable" attorney fees. See O’Connell v. Wynn Las Vegas, LLC, 134 Nev. 550, 557-58, 429 P.3d 664, 670 (Nev. App. 2018). When fees sought are excessive, the court may apply an overall across the board reduction of fees sought by a motion for attorney fees. Camacho v. Bridgeport Fin., Inc., 523 F.3d 973, 982 (9th Cir. 2008).

Even if this Court entertained the Improper Supplement, it should apply a 70 percent reduction to the same as the fees therein are excessive based on: (1) excessive rates; (2) improper block billing; (3) overstaffing and duplication of work; (4) excessive time for tasks; and (5) inadequate documentation and time narratives. ${ }^{5}$

## 1. The Fees Should be Reduced as the Rates Charges are Unreasonable.

The rates included in the Improper Supplement continue Plaintiffs' attorneys' pattern of excessive rates.
"In determining a reasonable hourly rate, the district court should be guided by the rate prevailing in the community for similar work performed by attorneys of comparable skill, experience, and reputation." Chalmers v. City of Los Angeles, 796 F.2d 1205, 1210-11 (9th Cir. 1986). Indeed, even if Plaintiffs' attorneys' rates are reasonable in their own communities, that
${ }^{3}$ Though the Improper Notice is not seeking any costs, the costs contained within the invoices shed light on just how late Plaintiffs' request is; contained within these invoices are trial related costs, including the "remaining balance of hotel and catering fees during trial."
${ }^{4}$ Defendants incorporate the arguments and authority set forth in the Opposition as if fully set forth herein.
${ }^{5}$ This same rate should apply to any portion of the Supplement this Court considers. In other words, if this Court rejects an award for fees untimely sought, but considers those actually incurred after the Motion was filed, this Court should apply a 70 percent reduction to the $\$ 149,510.33$ sought.
does not mean the rates are reasonable here in Nevada. Contra Reply, at 6-7 (citing out of state cases for the contention that the rate charged by the out of state firms is reasonable). Plaintiffs instead would need to justify why an attorney in the Nevada community was inadequate to perform the work involved. See United States v. Pivaroff, 2015 WL 6149217, at *2 (D. Nev. Oct. 19, 2015) (citing Barjon v. Dalton, 132 F.3d 496, 500 (9th Cir. 1997)) (noting that a court may look to rates outside the forum "if local counsel was unavailable because they lacked the degree of experience, expertise, or specialization required to properly handle the case").

Given that Plaintiffs used a Nevada law firm in this case with 59 attorneys at its disposal—McDonald Carano—Plaintiffs have not met their burden to justify the excessive rates sought in the Improper Supplement. And they have also failed to show that the excessive rates in the Improper Supplement are reasonable given the prevailing community standards.

The majority of the fees sought in the Improper Supplement are billed by the same attorneys addressed in the Opposition. But the Improper Supplement goes further-adding additional attorneys for which Plaintiffs have failed to justify the excessive rates. For example, Plaintiffs seek to recover \$575/hour for Cameron Byrd, an associate with Ahmad, Zavitsanos \& Anaipakos. Mr. Byrd's credentials were not included in the Motion (nor are they accessible via the Ahmad, Zavitsanos \& Anaipakos website). See Ex. 9 to the Mot. Plaintiffs have accordingly failed to meet their burden to justify this excessive associate rate-or any other rate for that matter.

## 2. The Hours Should be Reduced for Improper Block-Billing.

Though Nevada has not outright banned block billing, the Nevada Supreme Court has criticized the practice and stated that its use may justify a district court discounting the blockbilled time. In re Margaret Mary Adams 2006 Tr., 131 Nev. 1293 (2015) (unpublished) ("If a district court encounters difficulty considering the character of the work done or the work actually performed because of block billing, then the district court may order additional briefing or discount the relevant block-billed time entry or entries by an appropriate amount."). ${ }^{6}$ The
${ }^{6}$ Although this unpublished case strongly supports Defendants' position that block-billing is inappropriate, Defendants deliberately did not cite to this case in their Opposition to the Motion as NRAP
block billing permeating the records attached to the Improper Supplement exemplifies why such practices are not tolerated when evaluating a request for fees.
"Block-billing practices are 'legitimate grounds for reducing or eliminating certain claimed hours.'" Gaines ex rel. Gaines v. Douglas Cnty. Sch. Dist., 2009 WL 2710063, at *3 (D. Nev. Aug. 25, 2009) ${ }^{7}$ (quoting Mendez v. County of San Bernardino, 540 F.3d 1109, 1129 (9th Cir. 2008)). That is because block billing often leads to an increase in time in billed matters. See, e.g., Huhmann v. FedEx Corp., 2015 WL 6127198, at *8 (S.D. Cal. Oct. 16, 2015). Further, even if it does not lead to an increase in time, it makes it "difficult to determine how much time was spent on any one task" when analyzing the reasonableness of a fee request. Metro Data Systems, Inc. v. Durango Systems, Inc., 597 F. Supp. 244, 245 (D. Ariz. 1984).

Here, just like in Plaintiffs' Motion, the time entries are riddled with block billing, making it impossible to determine whether the time spent on each task is reasonable. ${ }^{8}$ Just a few instances of the block billing in these records are as follows:

- Pat Lundvall, on $1 / 14 / 2022$ billed $\mathbf{6 . 5}$ hours to: Multiple emails with Justin Fineberg and team re [redacted]; review and analyze [redacted]; research regarding [redacted]; emails with team re [redacted]; multiple emails with Jason McManis and all counsel re [redacted]; email with Marianne Carter and team re Multiplan's Motion to Associate Counsel and Motion for Leave to File Appendix of Selected Exhibits Under Seal; review and analyze [redacted]; emails with Brittany Llewellyn and all counsel re letter to John Zavitsanos and Jason McManis regarding procedure set forth at hearing on motion to seal; review and analyze [redacted]
- Pat Lundvall, on $2 / 17 / 2022$ billed 8 hours to: Multiple emails with Kevin Leyendecker and team re [redacted]; email with Beau Nelson and team re Notice of Entry of Stipulation and Order Regarding Certain Admitted Trial Exhibits; review and analyze [redacted]; multiple emails with Michael Infuso and all counsel re proposed order on Multiplan's motion to seal certain confidential trial exhibits and case management re

36(c)(3) prohibits the citation of unpublished Nevada Supreme Court opinions issued prior to January 1, 2016. However, since Plaintiffs violated NRAP 36 by citing to this decision in their Reply, Defendants cite to it here to ensure the record on what the decision actually says is set straight.
${ }^{7}$ Plaintiffs' contention in the Reply that block billing is not "frowned upon" by Nevada courts, at 7:22, is outright wrong and directly refuted by the Nevada Supreme Court's In re Margaret Adams 2006 Tr. decision discussed above.
${ }^{8}$ The abundance of redactions applied by Plaintiffs do not make the ability to ascertain the reasonableness of this time any easier.
edits/approval; review and analyze [redacted]; email with Beau Nelson and team re remote appearance link for today's continued hearing; prepare and appear for continued hearing on Defendants' Motion to Apply the Statutory Cap on Punitive Damages/Plaintiffs' Cross Motion and pending matters; email with Beau Nelson and team re transcript of proceedings $2 / 16 / 22$; review and analyze [redacted]

- Pat Lundvall, on $3 / 14 / 2022$ billed 8 hours to: Multiple emails with Karen Surowiec re [redacted] review and analyze [redacted] multiple emails with team re [redacted] emails with Carol Owen and team re [redacted]
- Pat Lundvall, on $4 / 22 / 2022$ billed 7 hours to: Multiple emails with Louis Liao and team re [redacted]; review and analyze [redacted] email with Marianne Carter and team re hearing transcript $4 / 21 / 22$, review and analyze, begin gathering evidence for reply in support of motion for attorneys fees, research re fee orders in other cases

In fact, it is difficult to find an entry by Pat Lundvall that is not block billed. This is particularly concerning as Ms. Lundvall's rate in this case was $\$ 650 /$ hour and she billed far more to the matter than every other attorney in her firm combined. But the problems do not end with Ms. Lundvall. The attorneys from Ahmad, Zavitsanos \& Anaipakos were block billing as well. For example:

- Jane Robinson, on $5 / 1 / 22$ billed $\mathbf{1 2}$ hours to: Continue to research regarding and draft response to motion for judgment as a matter of law. Confer with team regarding response to motion for new trial. Research regarding First-Amendment argument in motion for new trial and draft response. Review and analyze earlier trial briefing and orders relating to issues raised in motion for new trial and motion for judgment as a matter of law to incorporate into responses.

Ultimately, these block billing entries are found in nearly every single invoice attached to the Improper Supplement. This Court should thus reduce any award of fees based on the same.

## 3. The Hours Should be Reduced for Overstaffing and Duplication of Work.

Just like in the Motion, the invoices attached by Plaintiffs to the Improper Supplement show that the fees sought by Plaintiffs should be reduced for overstaffing and duplication of work.

Attorneys engage in overstaffing where too many attorneys performed legal work, or where attorneys performed unnecessary legal work. See Marrocco v. Hill, 291 F.R.D. 586, 589 (D. Nev. 2013) (reducing attorney fees after finding overstaffing because "having two partners and a senior associate work[] on a relatively straightforward discovery motion create[s]
unnecessary duplication of efforts").
The invoices contained in the Improper Supplement show that-just as in the MotionPlaintiff seek fees for tasks that were overstaffed and for performing duplicative work. For example, Ahmad, Zavitsanos \& Anaipakos had John Zavitsanos, Jane Robinson, and Kevin Leyendecker all travel to Las Vegas-billing the time for travel and hearing attendance-for the "Motion for Judgment and Redaction Motion" or "motion to seal" or "cap busting hearing and motion to seal hearing"-the same hearing. These entries for this single hearing, including preparation, travel time, and attendance, totaled more than 200 hours, and nearly $\$ 120,000$-for a single hearing. Indeed, this estimate does not include the time spent and billed by local counsel for the same hearing and Plaintiffs do not explain why local counsel's presence was not sufficient to attend this hearing, rather than billing several different attorneys' travel time across the country for the same. See Comcast of Ill. X, LLC v. Jung Kwak, 2010 WL 3781768, at *7 (D. Nev. Sept. 17, 2010) ("Plaintiff cannot show that local counsel was unavailable, either because they are unwilling to perform, due to the fact that local counsel was hired to represent Plaintiff in the instant case along with Mr. Platt.").' ${ }^{9}$

Further, there were outright duplicative time entries in several instances, including some duplicative entries by the same attorney. For example, Camron Byrd billed each of the following:

- Between 4/13/2022 and 4/21/2022, Cameron Byrd billed over 19 hours over 6 entries, each with the narrative "Review and analyze United's motion for new trial."
- Between $4 / 22 / 2022$ and $4 / 26 / 2022$, Cameron Byrd billed 23 hours over 4 entries, each with the narrative "Review and analyze United's motion for new trial and draft response."
- Between $4 / 27 / 2022$ and $4 / 30 / 22$, Cameron Byrd billed over 34 hours over 4 entries, each with the narrative "Review and analyze United's motion for new trial and draft response; review and analyze trial transcript."

[^2]And it continues into May:

- On 5/1/2022, Cameron Byrd billed 9.1 hours to "Review and analyze United's motion for new trial and draft response; review and analyze trial transcript."
- On 5/2/2022, Cameron Byrd billed 9.5 hours to "Review and analyze United's motion for new trial and draft response; review and analyze trial transcript."

And so forth. Even worse, Mr. Byrd was not the only attorney who billed this project. For example:

- On 4/23/2022, Jane Robinson billed 7.8 hours, block billed, in part to "Continue to review and analyze motion for new trial and prepare notes regarding responsive argument. Research regarding defendants' argument that evidence regarding the Yale study was improperly admitted under the Noerr-Pennington doctrine."
- On 4/28/2022, Louis Liao billed 13.5 hours, block billed, to "Continue working on response to United's Motion for New Trial. Draft arguments for discovery errors section. Review key pleadings and record citations for the same."
- On 4/29/22, Michael Killingsworth billed 4.6 hours, block billed, to "Draft Response to Motion for New Trial. Call with Cameron Byrd and Louis Liao to strategize remaining sections."
- On 4/30/2022, Michael Killingsworth billed 5.6 hours, to "Draft, review, and edit Response to Motion for New Trial. Strategize overall caselaw with factual responses for motion for new trial with Cameron Byrd."
- On 5/1/2022, Jane Robinson billed 12 hours, block billed, in part to "Confer with team regarding response to motion for new trial."
- On 5/1/2022, Louis Liao billed $\mathbf{1 2 . 5}$ hours, block billed, to "Continue work on opposition to United's Motion for New Trial. Continue drafting response to sections on discovery errors and review record citations in United's brief. Organize record evidence in support of opposition brief and review prior arguments on discovery issues for overlap in issues."

These are not the only duplicative entries, but they nevertheless demonstrate the overstaffing and duplicative billing that is found throughout the invoices in the Improper Supplement. Plaintiffs' contention that the billing system their client uses is bulletproof, and thus cannot even be contested, is easily disproven by simply reviewing the billing records, including those attached to the Improper Supplement. See Reply, at 9:25-10:18.

Further, the case was overstaffed with higher billing partners without explanation as to why a lower billing rate attorney was inadequate to perform the tasks at issue. For example, Pat

Lundvall's rate in this case was $\$ 650$ /hour and she billed far more to the matter than every other attorney in her firm combined. For example, in February 2022, Ms. Lundvall billed 70.2 hours to the matter, totaling $\$ 45,630.00$ in fees, whereas Amanda Perach, a partner with a lower billing rate, and who substantively handled the case through trial, billed a mere 4.7 hours. Same in March: Ms. Lundvall billed 126.7 hours, totaling $\$ 82,355.00$, whereas Ms. Perach billed 4.5 hours.

This Court should thus reduce the fees sought by Plaintiffs as they overstaffed the matter and performed duplicative work.

## 4. The Hours Should be Reduced for Excessive Time.

Without even looking to individual time entries, it is evident that the hours in the Improper Supplement must be reduced for excessive time. By Plaintiffs' own calculations, they spent $\$ 209,615.00$ opposing a single motion, and another $\$ 131,772.00$ on another single opposition. Supp. at 3. Further, these numbers are actually higher as Plaintiffs subsume the same oppositions within their "miscellaneous post-trial issues" category. Id.

More than this, Plaintiffs billed excessive time to tasks like emails and filing. For example, on March 18, 2022, Pat Lundvall of McDonald Carano billed 5.2 hours to "Emails with team re [redacted]." But Plaintiff has offered no explanation justifying 5.2 hours in a day to exchanging emails on an unknown subject. Or in another block billed entry on March 30, 2022, Pat Lundvall billed to file an affidavit and appendices in support of [redacted].

Thus, Plaintiffs' attorneys' invoices show excessive time for ministerial tasks. The fees awarded should be reduced accordingly.

## 5. The Hours Should be Reduced for Inadequate Documentation and Descriptions.

The amount of hours sought by Plaintiffs in the Improper Supplement should be reduced for inadequate documentation and vague descriptions. See McKesson Corp. v. Islamic Republic of Iran, 935 F. Supp. 2d 34, 45 (D.D.C. 2013), supplemented (Aug. 2, 2013), vacated in part, 753 F.3d 239 (D.C. Cir. 2014) (reducing the amount of hours sought in an attorney fees motion because the time entries contained vague and generalized descriptions such as "work on appeal brief").

As detailed above, there are several block-billed entries for emails, preparation, and "review and analyze" with nothing further. Supra, Section III(C)(2). Plaintiffs even redacted the subject of what was "reviewed and analyzed" in many of those instances, making it impossible to analyze the time spent on the entries. As a handful of additional examples of the inadequate documentation and descriptions:

- On 4/21/2022, Louis Liao of Ahmad, Zavitsanos \& Anaipakos billed 4.7 hours with $\underline{\text { no }}$ narrative whatsoever.
- On 4/27/2022, Louis Liao of Ahmad, Zavitsanos \& Anaipakos billed 3.5 hours with $\underline{\text { no }}$ narrative whatsoever.
- On $1 / 11 / 22$, Jason McManis of Ahmad, Zavitsanos \& Anaipakos billed 9.1 hours for "prepare for hearing on United's motion to seal."
- On 2/28/2022, John Zavitsanos of Ahmad, Zavitsanos \& Anaipakos billed 3.2 hours to "Numerous emails concerning the bill of costs. Working on motion for fees."
- On 3/07/22, Pat Lundvall of McDonald Carano billed 6 hours to "Multiple emails with Karen Surowic and team re [redacted]; review and analyze [redacted]; compile recoverable costs"
- On 3/18/22, Pat Lundvall of McDonald Carano billed 5.2 hours to "Emails with team re [redacted]"
- And as stated above, between April and May 2022, Cameron Byrd of Ahmad, Zavitsanos \& Anaipakos billed over 15 entries with the same narrative.

This Court should reduce any fee sought within the Improper Supplement because it is impossible to determine the reasonableness of the time spent given the nondescript (and missing) narratives.

## III. CONCLUSION

For the foregoing reasons, this Court should refuse to consider the fees sought in the Improper Supplement. If this Court does consider the fees therein, it should consider only those incurred after Plaintiffs filed the Motion, and it should reduce those by 70 percent. ${ }^{10}$

Dated this 28th day of June, 2022.
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${ }^{10}$ Since only $\$ 320,743.50$ of the fees alleged in the Improper Supplement were incurred after the Motion was filed, this would result in an award of $\$ 96,223.05$ on top of whatever amount the Court awards based on the original Motion.

## CERTIFICATE OF SERVICE

I hereby certify that on the 28 th day of June, 2022, a true and correct copy of the
foregoing DEFENDANTS' RESPONSE TO IMPROPER SUPPLEMENT ENTITLED "NOTICE OF SUPPLEMENTAL ATTORNEY FEES INCURRED AFTER SUBMISSION OF HEALTH CARE PROVIDERS' MOTION FOR ATTORNEYS FEES"
was electronically filed/served on counsel through the Court's electronic service system pursuant
to Administrative Order 14-2 and N.E.F.C.R. 9, via the electronic mail addresses noted below, unless service by another method is stated or noted:

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Please take notice that an Order Granting Plaintiffs' Motion To Modify Joint Pretrial
Memorandum Re: Punitive Damages On Order Shortening Time was filed June 29, 2022, in the above-captioned matter. A copy is attached hereto.

Dated this $29^{\text {th }}$ day of June, 2022.

## McDONALD CARANO LLP

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## CERTIFICATE OF SERVICE

I CERTIFY that I am an employee of McDonald Carano LLP, and on this $29^{\text {th }}$ day of June, 2022, I caused a true and correct copy of the foregoing NOTICE OF ENTRY OF ORDER GRANTING PLAINTIFFS' MOTION TO MODIFY JOINT PRETRIAL MEMORANDUM RE: PUNITIVE DAMAGES ON ORDER SHORTENING TIME to be filed and served via this Court's Electronic Filing system in the above-captioned case, upon the following:
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## DISTRICT COURT

## CLARK COUNTY, NEVADA

FREMONT EMERGENCY SERVICES (MANDAVIA), LTD., a Nevada professional corporation; TEAM PHYSICIANS OF NEVADA-MANDAVIA, P.C., a Nevada professional corporation; CRUM,
STEFANKO AND JONES, LTD. dba RUBY CREST EMERGENCY MEDICINE, a Nevada professional corporation,

Plaintiffs,
vs.
UNITED HEALTHCARE INSURANCE COMPANY, a Connecticut corporation; UNITED HEALTH CARE SERVICES INC., dba UNITEDHEALTHCARE, a Minnesota corporation; UMR, INC., dba UNITED MEDICAL RESOURCES, a Delaware corporation; SIERRA HEALTH AND LIFE INSURANCE COMPANY, INC., a Nevada corporation; HEALTH PLAN OF NEVADA, INC., a Nevada corporation,

Defendants.

Case No.: A-19-792978-B
Dept. No.: XXVII

## ORDER GRANTING PLAINTIFFS' MOTION TO MODIFY JOINT PRETRIAL MEMORANDUM RE: PUNITIVE DAMAGES ON ORDER SHORTENING TIME

Hearing Date: November 23, 2021
Hearing Time:.10:00 am

This matter came before the Court on November 23, 2021 on plaintiffs Fremont Emergency Services (Mandavia), Ltd. ("Fremont"); Team Physicians of Nevada-Mandavia, P.C. ("Team Physicians"); Crum, Stefanko and Jones, Ltd. dba Ruby Crest Emergency Medicine’s ("Ruby Crest" and collectively the "Health Care Providers") Motion to Modify Joint Pretrial Memorandum Re: Punitive Damages on Order Shortening Time. Pat Lundvall, McDonald Carano LLP, appeared on behalf of plaintiffs Fremont Emergency Services (Mandavia), Ltd. ("Fremont"); Team Physicians of Nevada-Mandavia, P.C. ("Team Physicians"); and Crum, Stefanko and Jones, Ltd. dba Ruby Crest Emergency Medicine ("Ruby Crest" and collectively the "Health Care Providers"). Abraham Smith, Lewis Roca Rothgerber Christie LLP and Dimitri Portnoi, O'Melveny \& Myers LLP, appeared on behalf of Defendants.

The Court, having considered the Motion, the Defendants' opposition, and the argument of counsel at the hearing on this matter, and good cause appearing, finds and orders as follows:

1. The Motion requests amendment of Section III of the joint pretrial memorandum ("Claims for Relief and Categories of Damages Requested").
2. The joint pretrial memorandum is a submission of the parties and not a court order. Therefore, the defendants' authorities relating to the modification of court orders are inapposite.
3. The Nevada Rules of Civil Procedure underscore that cases should be heard on the merits. For example, under NRCP 15, courts should "freely permit" pleading amendments during trial "when doing so will aid in presenting the merits and the objecting party fails to satisfy the court that the evidence would prejudice that party's action or defense on the merits." NRCP 15(b)(1). And NRCP 61 provides that at "every stage of the proceeding, the court must disregard all errors and defects that do not affect any party's substantial rights."
4. United has been on notice of and has acknowledged the Health Care Providers' intention to seek punitive damages on any available cause of action, including unjust enrichment.
5. The Health Care Providers have taken the position throughout these proceedings that they seek punitive damages against United as may be available under any cause of action.
See, e.g., Joint Pretrial Memorandum, Section II, Plaintiffs' Statement of the Facts of the Case ("Through this lawsuit, the Health Care Providers seek actual damages in excess of $\$ 10,000,000$ for Defendants' systematic underpayment of claims, pre- and post-judgment interest, attorneys' fees and costs, and punitive damages, including damages under NRS 42.005(2)(b)."); see also Complaint, First Amended Complaint, and Second Amended Complaint, Prayer for Relief; Fremont's FRCP 26(a) Initial Disclosures served October 2, 2019 ("Plaintiff also seeks punitive damages, attorneys' fees, costs and interest under each of the claims asserted in this action."); Health Care Providers' NRCP 16.1 Disclosures, etc.
6. In the pretrial memorandum, United acknowledged that the Health Care Providers sought punitive damages not just on their Unfair Claims Practices Act claim, but on any available claim:
7. Whether TeamHealth Plaintiffs can present evidence sufficient to establish that Defendants are "guilty of oppression, fraud or malice, express or implied" to support the imposition of punitive damages for any of TeamHealth Plaintiffs' claims and whether punitive damages are available to TeamHealth Plaintiffs on any claim for which that category of damages is asserted.
Joint Pretrial Memorandum at 15.
8. The Health Care Providers made clear they were seeking punitive damages against United for the unjust enrichment claim not only before trial, but during trial. See, e.g., Plaintiffs’ Trial Brief Regarding Punitive Damages for Unjust Enrichment Claim (filed November 15, 2021); Plaintiffs' Proposed Jury Instructions (Contested) at 16 (filed November 15, 2021); Plaintiffs' Oral Opposition to Defendants NRCP 50 Motion (argued November 18, 2021).
9. Therefore, United has been on notice of the Health Care Providers' position regarding punitive damages.
10. Under NRS 42.005(1), "[e]xcept as otherwise provided in NRS 42.007, in an action for the breach of an obligation not arising from contract, where it is proven by clear and convincing evidence that the defendant has been guilty of oppression, fraud or malice, express
or implied, the plaintiff, in addition to the compensatory damages, may recover damage for the sake of example and by way of punishing the defendant."
11. Punitive damages are not available for breach-of-contract claims. See NRS 42.005(1); Ins. Co. of the West v. Gibson Tile Co., Inc., 122 Nev. 455, 464, 134 P.3d 698, 703 (2006) ("[T]he award of punitive damages cannot be based upon a cause of action sounding solely in contract.") (emphasis added); Peri \& Sons Farms, Inc. v. Jain Irr., Inc., 933 F. Supp. 2d 1279, 1294 (D. Nev. 2013) ("Punitive damages are not available under Nevada law for contract-based causes of action.").
12. However, no such restriction exists for a claim of unjust enrichment, which is not based on a contract. See Leasepartners Corp. v. Robert L. Brooks Tr. Dated Nov. 12, 1975, 113 Nev. 747, 755-56; 942 P.2d 182, 187 (1997) ("[a]n action based on a theory of unjust enrichment is not available when there is an express, written contract, because no agreement can be implied when there is an express agreement."). Federal decisions are in accord. See, e.g., Hester v. Vision Airlines, Inc., 687 F.3d 1162, 1173 (9th Cir. 2012); Bavelis v. Doukas, No. 2:17-CV-00327, 2021 WL 1979078, at *3 (S.D. Ohio May 18, 2021) (affirming punitive damages award based on a theory of unjust enrichment).
13. In Hester, the plaintiff asserted claims of conversion, money had and received, and unjust enrichment. Hester, 687 F.3d at 1166. The Ninth Circuit, considering Nevada law, determined that the district court should not have dismissed the claim for punitive damages because the "claims are not based on an action for breach of contract. Thus, the statute allows punitive damages." Id. at 1172. The court went on to determine that the conduct alleged could give rise to punitive damages:
[T] he Complaint alleges facts that could allow a jury to conclude that Vision engaged in oppression, fraud, or malice when it refused to pay its employees the hazard pay they were due, when it fired those employees to whom it had already paid hazard pay, or when it continued to accept hazard pay money from upstream contractors for years with no intention of distributing that money.

Id. at 1173.
13. Indeed, United has taken the position throughout this litigation that no contract exists between the parties. See Defendants' Motion to Dismiss Plaintiffs' First Amended Complaint at 24:3-4 ("Plaintiffs [have] no contractual relationship with Defendants"); Defendants' Motion for Partial Summary Judgment at 14:24-15:1 ("Where the third-party payor (here, the six Defendants that adjudicated and allowed payment of benefit claims) and the out-of-network provider (here, TeamHealth Plaintiffs), had no network contract in the 12 months before the date of service, subsection (2) applies.").
14. In short, unjust enrichment is not an obligation arising from contract and therefore is not within the exclusion under NRS 42.005.
15. Allowing punitive damages for unjust enrichment in appropriate cases involving malice, oppression, or fraud is consistent with the legal underpinnings of unjust-enrichment claims. Unjust enrichment "is grounded in the theory of restitution, not in contract theory." Schirmer v. Souza, 126 Conn. App. 759, 765, 12 A.3d 1048 (2011). "Before 1938, when the United States Supreme Court adopted the Federal Rules of Civil Procedure abolishing the division between law and equity, unjust-enrichment claims, though ascribed different labels, proceeded in both courts of law and equity." Wright v. Genesee Cty., 504 Mich. 410, 420, 934 N.W.2d 805, 811 (2019). "Unjust enrichment has evolved from a category of restitutionary claims with components in law and equity into a unified independent doctrine that serves a unique legal purpose: it corrects for a benefit received by the defendant rather than compensating for the defendant's wrongful behavior. Both the nature of an unjust-enrichment action and the remedy-whether restitution at law or in equity-separate it from tort and contract." Id. at 422.
16. Thus, while some unjust-enrichment claims involve an innocent defendant who-through no fault of his own-received a benefit from the plaintiff, other unjust enrichment claims involve wrongful, oppressive, and intentional conduct by the defendant. See, e.g., Restatement (Third) of Restitution and Unjust Enrichment § 40 (2011) ("A person who obtains a benefit by an act of trespass or conversion, by comparable interference with other
protected interests in tangible property, or in consequence of such an act by another, is liable in restitution to the victim of the wrong.").
17. It is under these latter circumstances, involving the defendant's intentional and wrongful conduct, that an award of punitive damages may be appropriate. This conclusion is consistent with the policies underlying NRS 42.005, which focuses on deterring similar behavior and punishing the defendant for its wrongful conduct. Indeed, NRS 42.005(1) excludes punitive damages for breach-of-contract claims because contracting parties can already accomplish these two goals through appropriate drafting. See Gibson Tile, 122 Nev. at 464, 134 P.3d at 703.
18. Given these policy goals and the absence of any statute or case law prohibiting punitive damages for unjust enrichment in Nevada, an instruction allowing for the jury to award punitive damages upon a finding of liability for unjust enrichment is appropriate.
19. Permitting the Plaintiffs to pursue punitive damages for their unjust enrichment claim will not prejudice defendants. The evidence the Health Care Providers rely on for their unjust enrichment claim and unfair claims practices claim-both for the underlying conduct and to support punitive damages-is largely the same. Permitting the Health Care Providers leave to amend to conform the pretrial memorandum with their legal and evidentiary position made before and throughout trial will not prejudice the Defendants.
20. As mentioned above, the joint pretrial memorandum is a submission of the parties, not a court order. To the extent amendment is necessary to permit Plaintiffs to pursue an award of punitive damages on their claim for unjust enrichment, leave to amend the submission is within the Court's discretion. Because Plaintiffs' request is supported by the law and the evidence, is consistent with their position throughout this litigation and trial, and will not prejudice the Defendants, the Court finds that leave to amend shall be granted. See NRCP 61; Walters v. Nevada Title Guaranty Co., 81 Nev. 231, 232-33 (1965).

## ORDER

IT IS HEREBY ORDERED that the Motion to Modify Joint Pretrial Memorandum Regarding Punitive Damages on order shortening time is GRANTED, for all reasons stated
herein，on the record at the November 23， 2021 hearing，and contained in the Health Care
Providers＇briefing and argument．Specifically，Section III（A），Count 2 of the joint pretrial memorandum filed October 28， 2021 is revised to state：

Count 2：Unjust Enrichment（Second Am．Compl．बी 80－89）
Damages：（1）actual damages；（2）punitive damages including damages under NRS 42．005（2）（b）；and（3）pre－and post－judgment interest．

Signed this 29thday of $\qquad$ ， 2022


> B2B B5D 9A35 6906 Nancy Allf District Court Judge

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## CSERV

Fremont Emergency Services
(Mandavia) Ltd, Plaintiff(s)
vs.
United Healthcare Insurance
Company, Defendant(s)

## AUTOMATED CERTIFICATE OF SERVICE

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

Service Date: 6/29/2022
CASE NO: A-19-792978-B
DEPT. NO. Department 27

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## DISTRICT COURT

 CLARK COUNTY, NEVADAFREMONT EMERGENCY SERVICES )
(MANDAVIA) LTD., ) CASE NO: A-19-792978-B
Plaintiff(s),
vS.
UNITED HEALTHCARE INSURANCE )
COMPANY, )
Defendant(s).
BEFORE THE HONORABLE NANCY ALLF, DISTRICT COURT JUDGE
WEDNESDAY, JUNE 29, 2022
TRANSCRIPT OF PROCEEDINGS
RE: MOTIONS HEARING
TRAN (MANDAVIA) LTD., ) CASE NO: A-19-792978-B
DEPT. XXVII
$\qquad$
BEFORE THE HONORABLE NANCY ALLF, DISTRICT COURT JUDGE WEDNESDAY, JUNE 29, 2022
TRANSCRIPT OF PROCEEDINGS
RE: MOTIONS HEARING
SEE PAGE 2 FOR APPEARANCES
SEE PAGE 3 FOR MATTERS
RECORDED BY: BRYNN WHITE, COURT RECORDER
TRANSCRIBED BY: KATHERINE MCNALLY, TRANSCRIBER

## A P P EARANCES

PATRICIA K. LUNDVALL, ESQ. JOSEPH Y. AHMAD, ESQ. KEVIN LEYENDECKER, ESQ. JANE ROBINSON, ESQ. JASON S. McMANIS, ESQ.

FOR DEFENDANT(S) HEALTH PLAN OF NEVADA INC.:
COLBY L. BALKENBUSH, ESQ.
DANIEL F. POLSENBERG, ESQ. JEFFREY E. GORDON, ESQ.

## LAS VEGAS, CLARK COUNTY, NEVADA

 WEDNESDAY, JUNE 29, 2022 10:22 a.m.THE COURT: Thanks, everyone. Please be seated.
All right. So let me call the -- I'm going to call
the case of Fremont Emergency versus United Healthcare.
Let's take appearances, please.
MS. LUNDVALL: Good morning, Your Honor. Pat Lundvall
from McDonald Carano, here on behalf of -- on behalf of the Health Care Providers.

THE COURT: Thank you.
MR. AHMAD: And Joe Ahmad, as well, on behalf of the
Health Care Providers from AZA, Your Honor.
THE COURT: Thank you.
MR. LEYENDECKER: Kevin Leyendecker, as well, Your
Honor.
THE COURT: Thank you.
MS. ROBINSON: Jane -- sorry. Go ahead, Jason.
MR. McMANIS: Jason McManis, for the Health Care
Providers.
THE COURT: Thank you.
MS. ROBINSON: And Jane Robinson, also from AZA for
the Health Care Providers.
THE COURT: Thank you.
MS. ROBINSON: Good morning.

THE COURT: And do you want to introduce anyone from your team? I see the doctors here.

MR. AHMAD: Well, we have Dr. Scherr, here on behalf of, obviously, the Health Care Providers.

MS. ROBINSON: Dr. Rosenthal.
MR. AHMAD: And Dr. Rosenthal as well, who changed up her hair, so I didn't recognize her from the trial --

THE COURT: That's okay.
MR. AHMAD: -- of back last year, but she is here as well.

And then at Louis Liao, also from AZA, is here. And I believe we have some people from McDonald Carano as well.

THE COURT: Lawyers? Externs?
MS. LUNDVALL: We have got several law clerks.
THE COURT: Several law clerks. Welcome.
MS. LUNDVALL: Ian Allenson [phonetic] and Amy
Whitaker [phonetic], who are in from the Reno office, actually down for their week in Las Vegas, and they are our summer interns.

THE COURT: Very good. Thank you. And welcome.
And for the defendants, please.
MR. POLSENBERG: Good morning, Your Honor. Dan
Polsenberg for defendants.
MR. BALKENBUSH: And good morning, Your Honor. Colby Balkenbush, also for defendants.

THE COURT: Thank you. And do you have anyone on your
team you would like to introduce?
MR. BALKENBUSH: I believe we have a few people on
BlueJeans, Your Honor.
THE COURT: Great.
MR. BALKENBUSH: But I'm not going to read all of them on the record. I have quite a few.

THE COURT: All right. So we're going to have to --
MR. GORDON: This is Jeff Gordon, on behalf of the
defendants.
THE COURT: Thank you.
Other appearances?
All right. So I understand there is an issue about
how to budget our time today, so -- and I understand that I have kind of an agenda that says we're going to take fees and costs first and then posttrial motions after that.

So is there an issue with regard to how we're going to
budget our time?
MR. AHMAD: I don't believe so. I think we have some time allocations with respect to everything, but perhaps fees and costs, Your Honor.

On that issue, I don't think, at least we, intend to be very long. I think our presentation may be 15 minutes divided up between Kevin Leyendecker and myself.

THE COURT: Okay.

MR. AHMAD: I don't know how much the defendants
intend to take, but that's how much we intend to take.
THE COURT: I'm in a jury trial, so $I$ can only give you until 11:45 today.

MR. BALKENBUSH: I think that will be sufficient, Your

Honor. I'm planning on taking probably about 20 minutes on the fee motion. And I think that the cost motion will be significantly less than that. I do think the fee motion -- I mean, between us, will probably take close to 45 minutes is my guess, though.

THE COURT: Well, I have time tomorrow, and I can move things tomorrow if you guys can't finish today. But $I$ can't give you more time today --

MR. BALKENBUSH: Understood.

THE COURT: -- then 11:45. So let's see where we go with this.

MR. AHMAD: Judge, we would also have to take up the stay issue that we filed on that order shortening order of time.

THE COURT: I have that on my notes as OST on the bottom.

MR. AHMAD: Very good. Thank you.

THE COURT: I have it in my notes.
MR. AHMAD: Thank you, Your Honor.
THE COURT: And I assume that's something you would
want to address today?
MR. AHMAD: Oh, absolutely.
THE COURT: Okay. Good enough.
All right. So we will take that second, after fees and costs, unless you want to argue it first.

MR. AHMAD: No. We can argue it after the post
judgment motions.
MS. ROBINSON: Your Honor, it won't take very long on
that issue.
THE COURT: Okay.
MS. ROBINSON: I don't want to get out ahead, but it's really just a couple of minutes.

THE COURT: Okay. So let's talk about fees and costs.
MR. AHMAD: Thank you, Your Honor.
Obviously, it's the Health Care Providers motion for
fees and costs, specifically under the Prompt Pay Act.
To try to narrow down and save time, at least on their
side, I would like to point out that in the response brief, the Health Care Providers don't challenge a number of things that I think are highly relevant -- I'm sorry -- United. They don't charge a number of things that are relevant to our motion.

Number 1, they don't challenge that we are the prevailing parties and therefore are entitled to fees under the Prompt Pay Act. They don't appear to challenge the --

MR. POLSENBERG: Excuse me, Your Honor. We will be challenging the Prompt Pay Act. In fact, I'm going to do -Jason and I discussed that I am going to do my JMOL argument during the fees on the Prompt Pay Act.

THE COURT: Good enough.
MR. AHMAD: And yes. That will be addressed in the Rule 50.

I don't think for purposes of the fees motion, other than, of course, you know, if the Court were to entertain the motion for new trial. Obviously in that case, we would not be the prevailing parties. Otherwise, Your Honor, we would. And I don't think there is an issue about whether we are.

They don't challenge the complexity of the work which is about to get into. It is certainly one of the key factors -- one of the key factors under Brunzell.

They don't challenge that the attorneys that did the work possess the skill and experience to perform this complex work. They don't appear to challenge the quality of the work that we actually performed, and they don't challenge the result.

I think this is important because when you look at the Brunzell factors, just briefly, there are four: One is the qualities of the lawyers, skill and experience of the lawyers; two is the complexity and difficulty and the nature of the work; three is the work actually performed; and finally,
fourth is the result obtained.
Now, when you look at these in light of what they have conceded and you look at what they're challenging, I think you also have to keep in mind that the Court, I think for a very good reason, has discretion in making a decision about the reasonable value of the attorneys' services.

I think the Court has had that discretion because if you look at all of the factors, the Court was in a unique position to observe all of those: The qualities of the lawyers, the complexity of the work performed, the work that the actual -- the work that was actually performed, and the result obtained.

And whereas if you look at the arguments that United had raised in response to our motion for fees, they are not particularly focused on the Brunzell factors.

The first argument they make is that the prevailing rate in Nevada is much lower, at least lower than the rates that we seek here for some of our attorneys.

And I will point out two things about that. Brunzell focuses on the reasonable rate. We would contend that our rates are reasonable here, in particular, with respect to this work and the work we have attained and the result attained.

And in fact, shifting over, even if we look purely at the prevailing rate, what $I$ think the Court would find is that Nevada courts have in fact awarded the very top rate that we
ask for, for any attorney in this case, which is $\$ 750$ an hour. Nevada courts have awarded it to lawyers, one, with a little bit more experience than we have admittedly. I think may have me beat by a few years, and in another case someone with slightly less experience.

Now, I will say, however, that I think even more important than that is the nature of this work and the highly complex nature that this work has required. And I will say in other states, of course, we have gotten these rates for this exact litigation.

But most importantly, it doesn't appear, even if we looked at the prevailing rate, that it should be a rate lower than what we are seeking.

And specifically with respect to McDonald Carano's rates, I think they even have a greater track record of courts allowing the top rate that they are seeking. And so I think there is more than ample examples in Nevada case law for these kinds of rates being provided. And switching over to the Brunzell factors about reasonability, given the four factors, I think it's more than clear that these are reasonable.

Secondly, United points out or argues that there has been, what they call, a duplication, overstepping, overstaffing.

If the Court remembers -- and I am sure it will -- we have continually argued and we feel were subjected to fights
on virtually every single issue there was, starting with the removal of this case, which of course was returned back to this court. And then we got an onslaught of discovery disputes, the likes of which, you know, I hope is rarely seen, including getting 90 percent of our documents, I think almost 500,000 pages the day before the deadline where it was required and right before we were to start dozens -- I think 30-some deposition in this case.

And so when you look at the staffing needs -- and candidly, we were in a position in many of these decisions to add additional law firms -- we were at a junction where we had to choose between going through another delay, which our client would have considered and did consider a hardship, as opposed to adding additional lawyers to do that work, to make sure that they could get up to speed, review those documents.

And many times during [indiscernible], I think the Court will remember, you know, we pointed out that these discovery disputes had one purpose -- or at least a purpose of not just delay, but unfortunately additional expense and time on our side.

But worst of all now we are seeing that they want to add insult to injury by complaining about the fact that we actually staffed up with competent lawyers to fight back against these tactics and that somehow we should be punished for trying to meet the challenges that they presented to us.

And I will tell you that under the case law, when somebody, you know, who has a right to fight vigorously, that is certainly their right. But when they choose to fight this vigorously, they can't complain on the back end that it required equal resources to fight back.

And if you look at -- if the Court actually looks, there is, you know, obviously thousands of time entries. But when we isolate the best ones that they can find, I think it is pretty telling.

For example, $I$ think they isolated an example where my colleague, Kevin Leyendecker, took 9.8 hours to analyze 300-and-some pages of Dr. Deal's analysis, which was fairly complicated. I don't think that's unreasonable at all.

I mean, I would have understood if this had been somebody perhaps who was not taking Dr. Deal as a witness.

THE COURT: Well, he's the one who cross-examined him -- or examined him.

MR. AHMAD: That's absolutely right, Your Honor. That's exactly right.

This was the person who was doing the work. I mean, I would have understood had it been, you know, we had two lawyers here doing it, three lawyers here doing it. But this was Mr. Leyendecker himself doing it.

The Court will remember that that was a particularly contentious and long cross. But not only that, that was one
of the central issues in this case. This was their main liability issue. He was the one that testified about reasonable value. He was the only one that testified essentially about reasonable value from the defense point of view. So this was a critical person.

And to suggest 9.8 hours to suggest -- I mean, to review the most critical testimony in this case, arguably, I think shows the fact that this is not excessive and these examples don't point to excessive work.

Two other issues that they raised with respect to this. One is the notion of block billing. I think, as we addressed in the reply brief, specifically the In re Margaret Mary Adams case, in 2015, block billing by itself is not forbidden and that in fact the standard is pretty high to ignore entries in block billing, because in that case they held that where a District Court determines that none of the test entries comprising the block billing were necessary or reasonable, then the Court can exclude it.

Well, obviously, that's not the case.
And so under Nevada law, it is certainly not the case, as it may be. And you know, I will take United's word for it that perhaps in California this may present some issues. But it's not the case in Nevada and certainly not under In re Margaret Mary Adams.

And finally, Your Honor, a segregation. I think the

Court knows the standard, and this is the standard virtually everywhere, is when claims are inextricably intertwined, in that instance, no segregation is necessary.

Now, what is the classic example of inextricably intertwined? Well, it's when the one set -- one common set of facts can lead to different potential claims, different theories of recovery. That is exactly what the case was here.

This wasn't alternative theories based on alternative facts or different factual scenarios. These were simply claims that we brought based upon -- or claims that we analyzed, all based on one common set of facts.

And so to suggest that all time should be excluded simply because there were other theories considered, when the facts were all the same is a classic situation where they are inextricably intertwined and should not be excluded.

I will say finally, and it is contained in
Ms. Lundvall's affidavit where of course she goes through the factors proving up that the fees sought are reasonable and necessary under Brunzell -- she also points out that there is a program that we are part of -- our client is a part of called CounselLink. There are various different levels of review.

Obviously one, on an internal level, both we, McDonald Carano and the other lawyers, have an ethical responsibility under the Business Judgment Rule to [indiscernible] which we
did.
You know, the client reviews it. The client has two
levels of review, and they have a software that helps them review for any duplicative time.

With that, Your Honor, I will sit down. Hopefully I
didn't take too long. And if $I$ could just have maybe two minutes on rebuttal, that would be great.

THE COURT: Thank you.
MR. AHMAD: Thank you, Your Honor.
THE COURT: Mr. Balkenbush?
MR. BALKENBUSH: Thank you, Your Honor. Colby
Balkenbush, for the defendants.
I would like to focus -- well, actually I want to note
first that my colleague, Mr. Polsenberg, will be handling an argument after I'm done on the Prompt Pay Act issues, specifically since I think it's conceded by plaintiffs that the sole basis for a potential fee award would be the fact that they prevail on the Prompt Pay claim.

So he is going to handle that after I'm done.
My argument will solely be focused on our contention
that there should be a reduction in the requested fee award.
So I want -- I would like to focus the Court's
attention on three specific areas in regard to plaintiffs' fee motion.

The first is that -- our contention that the
prevailing rates in Southern Nevada for similar litigation are significantly lower than the rates that plaintiff's counsel are seeking.

The second is the rampant block billing that you just heard opposing counsel discuss.

And the third is the duplication of effort that necessarily occurs when a plaintiff hires four different law firms, from four different states, to handle a single piece of litigation like this.

Now, in regard to the prevailing rate issue, we essentially put forth two arguments in our opposition. One, we cited to case law from Nevada, from State Court and Federal Court, where courts have found rates between 195 and $\$ 600$ an hour to be a reasonable rate for partners handling complex commercial litigation, and decisions where they found a rate of $\$ 250$ an hour for associates handling complex commercial litigation to be the reasonable rate.

Most of those cases were decided within the last two years, which is typically what courts say you should look to when you're looking to decide what the reasonable rate is in the local market.

A couple of them were 5 to 7 years old, so maybe a little less pertinent. But regardless, that was the range that those cases showed.

The second thing we pointed out in our opposition is
we attached an affidavit from a local practitioner, Matthew Duchamp, who practices complex commercial healthcare litigation.

Mr. Duchamp has been practicing for 32 years, 17 years of complex commercial litigation experience. He regularly represents hospitals and provider groups. He handled a trial for UMC where the plaintiff was seeking 32 million in damages and tried that to verdict.

And Mr. Duchamp said in his declaration that partner rates above $\$ 475$ an hour for a complex commercial litigation in the state of Nevada are unusual and not common. And then he said for associates, rates of more than $\$ 370$ to $\$ 375$ an hour are also uncommon and should not be considered the reasonable or prevailing rate in the Southern Nevada community.

So those were the two essential arguments or pieces of evidence we put forth in our opposition.

And as we understand it, plaintiffs essentially brought -- they responded in three ways.

So first they responded in their reply by pointing out four local prominent attorneys and the alleged rates that they charge, including my colleague Mr. Polsenberg's alleged rate.

And so what they said is these attorneys charge somewhere between 750 to $\$ 1,000$ an hour, and therefore the rates that plaintiffs are seeking, which for their partners
range from 650 for Ms. Lundvall, up to 750 for the out-of-state partners that helped try this case -- that that means those rates are reasonable.

But that argument completely misunderstands the test that Nevada courts have said you apply.

Nevada courts have said you look to be the reasonable or prevailing rates in the local community. You don't look to the top rate charge by the highest paid, most prominent four or five attorneys in the city. That is not the standard.

And I think it's also interesting the language they use when they discuss those rates in their briefing, Your Honor. They say that these attorneys, these four prominent attorneys, are, quote, are known to have charged the following rates.

They don't state that those attorneys typically or always get those rates. And they don't -- I think tellingly -- they don't attach a declaration, like we did, from any of those prominent attorneys stating that the prevailing or reasonable rate for complex commercial healthcare litigation in Nevada is $\$ 750$ an hour or $\$ 650$ an hour or a thousand an hour. They don't do that.

And presumably that's because those attorneys would not have been able to make such a declaration. They may have gotten some of those rates on some cases, but it's certainly not the prevailing rate in Southern Nevada.

And none of the case law cited by either of the parties indicates that you look to the top right of the most prominent attorneys of the town. None of it indicates that. And you didn't hear any representation on that by Mr. Ahmad in his presentation.

The second argument plaintiffs make is they try to rebut our case law by bringing forth their own case law. They say, Look at all of these cases, Judge, where courts have found the rates we're asking for to be reasonable. Courts have found $\$ 750$ an hour or more to be reasonable.

But when you look at those cases closely, you see one of two things: One, you see that either actually the rates that were approved were lower than they're seeking, if you actually look at the rates; or two, you see that in the few cases where courts did allow a rate that was that high, the courts explicitly note that the opposing party didn't come forward with any evidence challenging that rate as the reasonable or prevailing rate in the community.

We have done that here through the case law we cited and through the declaration of Mr . Duchamp.

And so I do want to briefly respond to those cases they cited in their reply, since this is my only opportunity.

They cited to Pardee Homes of Nevada versus AG/RW Canyons LLC. This is a 2018 Federal Court case that Judge Dorsey decided. And they cite this for the proposition
that Judge Dorsey found that an hourly rate from Ms. Lundvall of $\$ 600$ an hour was a reasonable rate and awarded her fees for that. That's true.

What they don't note, though, is that in that decision, Judge Dorsey explicitly pointed out that she was not going to reduce Ms. Lundvall's rates because the defendants had failed to argue that Ms. Lundvall's rate was unreasonable for the Southern Nevada market and had not put forth any affidavits challenging that assertion. So she accepted it.

We have put forth an affidavit and evidence expressly challenging that.

The second case they cite, Aevoe Corp. versus Shenzhen Membranes Precise Electron Ltd. This was a 2012 case decided by Judge Lean in federal court. They cite this for the proposition that, well, McDonald Carano is noted in that decision to be one of the top firms in the country, so therefore they must get the top rates.

But if you actually read that case, the proposition it stands for is that out-of-state counsel can't charge higher hourly rates than local counsel because oftentimes out-of-state counsel's rates are not keeping with the rates in the local market.

In that case, the McDonald Carano partner rate that was approved was $\$ 375$ an hour -- close to around what Mr. Duchamp says is the reasonable rate.

The out-of-state counsel rate that McDonald Carano was working with in that case, their rate was $\$ 715$ an hour. And what Judge Leen said is you don't get $\$ 715$ an hour, because that might be reasonable where you are from, but that's not reasonable in Las Vegas.

And so what she did is she reduced it from \$715 an hour to $\$ 400$ an hour, almost identical to the local McDonald Carano partner rate. So that case supports our position. It doesn't support their argument that their rates are reasonable.

The Pool v. Willey Landscaping, Inc. case they cite to is a 2017 case. They cite it for the proposition that, just generally, McDonald Carano partner and associate rates are reasonable.

But in that case, the McDonald Carano partner rate that the Court found reasonable was $\$ 425$ an hour, and the associate rate was $\$ 300$ an hour. Again, right around that area were Mr. Duchamp says is a reasonable prevailing rate for complex commercial litigation.

They also cite to the Hunt versus Zuffa LLC case. This is a 2021 case, also decided by Judge Dorsey in federal court. And they cite to this because Judge Dorsey permitted Colby Williams to recover $\$ 750$ an hour. She said that rate is reasonable.

But again, she specifically stated in her reasoning
that the opposing party had failed to file an affidavit challenging the reasonableness of Mr. Williams' proposed hourly rate. And I quote, she says, It not state with particularity why UFC attorney's rates are unreasonable in the community.

In contrast, we have made that specific argument and showing here, with the affidavit of Mr. Duchamp and through the case law, much of which was decided in the last two years, that discusses rates that are much lower than plaintiffs being found to be the prevailing or reasonable rate in the community.

And then they also cite, which really got my attention, Your Honor -- they cite two fee cases you actually decided that were recent. So I wanted to pull those and look at those, because I was very -- I was concerned that, you know, perhaps you had already found that their rates are reasonable, exactly what they are asking for.

But that's not what those orders today. They cite to the WLNS Investments, LLC v. Fayad decision. This was a decision -- two decisions you made, one in February 2022, another in April 2022, awarding fees to attorneys at McDonald Carano. And in that decision, you awarded fees to McDonald Carano partner, Rory Kay at a rate of $\$ 400$ an hour and to a McDonald Carano Associate at $\$ 300$ an hour.

That was in February -- that was this year. This was
only a few months ago.
So again, those rates are right within that range that we're contending is the reasonable or prevailing rate for commercial litigation in Nevada.

They also cite to the Saticoy Bay, LLC versus Tapestry at Town Center Homeowners Association. This is a decision by Your Honor a couple of years ago. And they again cite for the proposition that you have essentially blessed their rates that they are seeking here and found them to be the reasonable and prevailing rates. But that's not what Your Honor found there.

And the Saticoy Bay case is actually, I think, really helpful to our position, because there you found that for the McDonald Carano partner George Ogilvie that his rate of $\$ 550$ an hour was reasonable or prevailing and you awarded fees to him for that; and that for the McDonald Carano associate, Jason Sifers, that his rate of $\$ 275$ an hour was reasonable. So 550 for the partner and $\$ 250$ for Mr. Sifers.

And this case is particularly persuasive I think, Your
Honor. It should be, I hope, to the Court, because
Mr. Ogilvie is, I think, the closest counterpart to
Ms. Lundvall that we could come up with here. He is the managing partner --

THE COURT: That's right. Yeah. He tried a case here in the fall. He is the managing partner.

MR. BALKENBUSH: And he looks like he has over 30
years of experience, Your Honor. I think you may have -- I heard you mention during the trial, perhaps, that you found him to be exceedingly competent trial attorney. And so in that case, you found that $\$ 550$ an hour was a reasonable rate to award him fees for.

And so our contention is that 650 for Ms. Lundvall and 750 for the out-of-state partners, it's high. It's not the prevailing rate.

It may be what they charge in Houston or Washington DC or Florida, but it's not the rate in Southern Nevada. It may be the rate that top attorneys charge here, but that's not the standard.

And then finally, Your Honor, what they do is they attack Mr. Duchamp's declaration. And they don't really make much of an attack, but they say that, well, he doesn't know the case. You know, that may be his opinion, but he doesn't know this case. He wasn't involved.

And that's true. That's absolutely true. And that would be relevant if Mr. Duchamp was opining on how many hours should have been spent on this case, how difficult it was, how complex it was. But he is not doing that. That is a completely separate issue I'm going to discuss next.

The issue he is opining on is what is the prevailing rate for complex commercial healthcare litigation? And he doesn't need to know the specific facts of this case to know
what the market rate is in Southern Nevada for partners and associated and what's an out of -- and what's an excessive rate.

So in our view, Your Honor, we have come forth with significant evidence showing that the rates they are proposing are successive and not consistent with what is common in the Southern Nevada market.

We would ask that the Court reduce their rates and fee award to the rates Mr. Duchamp proposed in his declaration, which are actually higher in some instances in the case law being cited. So 475 for partners and no more than 375 for associates.

Now, the separate -- and separate from that there is the issue of the hours billed that they are seeking -completely separate from the rates.

And the first issue that $I$ want to discuss is block billing. You heard Mr. Ahmad come up here, and they also represented in their papers, that blocked billing has not been frowned upon or prohibited in Nevada. And he cited even to the Nevada Supreme Court case that he contended says that block billing is fine. Block billing does not mean that their fee request gets written down.

The case law cited in their very own reply, including the case law that Mr. Ahmad just discussed up here says the exact opposite. I would encourage Your Honor to read the

Margaret Mary Adams case that they cited. It says the exact opposite of what they are saying.

In that case, the Supreme Court -- and this is a case we actually wanted to cite in our opposition. We felt we couldn't because it's a 2015 decision by the Nevada Supreme Court. And the Nevada Rule of Appellate Procedure 36 says you can't cite to any Supreme Court -- unpublished Supreme Court decision prior to 2016, so I really wanted to cite to it but we couldn't.

But since they have, I would love to discuss it because it directly supports our position on block billing.

And what the Court says there is -- they actually criticize block billing. They note that courts around the country have criticized it. And then they say that if a court sees block billing that that can justify either, one, requiring further briefing to require an explanation for the numerous task entries under a single block billed entry, or an across-the-board reduction in the fee request. That's what they say.

They do say -- and the proposition the plaintiffs cite it for is that the Court says, Just because you block bill doesn't mean the Court should categorically exclude all fees and refuse to award any fees, which is what the District Court did there. The district court said, You don't get anything. You block bill; I'm not awarding anything.

And we're not contending that.
We're asking for an across-the-board reduction because with the ramp in block billing, it's impossible to determine if the amount of time spent was reasonable.

And I think the other important thing about the Margaret Mary Adams decision is it actually gives guideposts for district courts assessing block billing when they are awarding fees.

It says that when there are two to four task entries under a single block bill, so 4.0 hours, two to four things were described, that's not that extreme. And a district court might be able to look at that and say, You know what, I think that was unreasonable -- that was reasonable amount of time to spend on that or I think that was not reasonable.

But they say if you have a tab of block billed entry with eight or more task entries, that starts getting into to the point where it would be very difficult for a court to determine whether or not the time spent was reasonable or unreasonable because there are so many tasks listed underneath that entry.

And that is really relevant here because, as we pointed out in our briefing, if you look at Ms. Lundvall's entries, for example, she will have a single block billed entry, 8, 9, 10, 12 hours, with 25 or more separate task entries under it. More than three times the amount that the

Margaret Mary Adams court said starts to get to the place where it's not possible for a district court to determine if the time spent was reasonable or not.

And then, of course, you have the opposite problem by plaintiff's out-of-state counsel oftentimes. Instead of having 25 or more task entries under the single entry, what they have is, a single entry for 12 hours or more that says, Prepare for trial, and there's a redaction. Or review documents. That's it. Two words. No indication of what was reviewed; no indication of how many pages were reviewed.

And with those kind of entries, that's fine if their client accepts that and is willing to pay for that. But that doesn't meet the standard under Brunzell that would allow the Court to determine whether or not the time spent was reasonable or not. And it's their burden to prove that the time spent was reasonable. Not ours.

And then finally in regard to block billing, what $I$ really found interesting was they cite to a number of these federal court cases I was discussing that they contend support the hourly rates that they're contending are reasonable.

But in two of those same Nevada federal district court cases, a 2018 case by Judge Dorsey and a 2017 federal court case, the federal courts, contrary to blessing their block billing, they wrote down McDonald's block billing. The federal court -- in the Pardee Homes of Nevada versus AG/RW

Canyons decision that plaintiffs cite for the proposition of, well, you know, Judge Dorsey blessed Ms. Lundvall's \$600 hourly rate -- in that same decision, you know what they don't note is that Judge Dorsey wrote down Ms. Lundvall's time expressly for block billing.

And what Judge Dorsey said is, Any entries by Ms. Lundvall where she listed more than three tasks under a single block billed entry, she was marking down by 50 percent.

So it's not approved in Nevada; it's expressly
disapproved, according to plaintiff's own case law.
The Pool v. Willey Landscaping, Inc. case that they cited, a 2017 federal court case, that case did not involve the same McDonald Carano attorneys. It involved different ones. But it was the same issue. And there, the Court reduced the fee award to McDonald Carano by 20 percent due to block billing and vague billing descriptions.

So the case law directly refutes what they are saying. It is not true.

Now, this overstaffing and duplication of effort, I want to discuss that.

You heard Mr. Ahmad talk about the fact that, well, there was a lot of work in this case. It was complex. There were numerous discovery disputes. And we don't disagree with any of that.

Our contention here is that when you hire four firms
from four different states to handle a single case, you are, per se, going to have duplication of effort. There is no way around it.

Essentially what they did is they have Lash \& Goldberg primarily handled defending depositions. They had Napoli Shkolnik handle document review. McDonald Carano more or less handled pretrial motion work and some written discovery. And then, of course, the AZA firm from Texas came in and served as lead trial counsel.

But there is no way around it. If you choose that method, there is going to be duplication. AZA is going to have to review the documents and familiarize themselves with them after Napoli Shkolnik already did. AZA is going to have to review the deposition transcripts to get ready for trial and cross-examining witnesses. And there is no question when you look at the billing entries, that that is what occurred.

Now, in our view, Your Honor, and under the case law, they cannot -- they cannot get fees for having four separate firms work up a case and all the duplication that comes with that unless they can demonstrate to this Court that McDonald Carano could not have tried this case on its own; that it was simply incapable of doing that.

They have over 59 attorneys there. There has been no representation by any of the attorneys from McDonald Carano, by affidavit from plaintiffs themselves, or from out-of-state
counsel, that McDonald Carano was unable to handle this case on its own.

Now, there is nothing wrong with plaintiffs making the
strategic decision that they want to throw all of the
resources possible with this. They want to hire four firms;
they want to hire ten firms. There is nothing wrong with that
if the client wants to pay for it. But it's a separate issue
when they want to pass that cost on to defendants.
And the case law we cited, I'm not going to reiterate it in our brief, but it discusses that.

And we saw the duplication that happens when you have four firms doing this. And we cited to some of that in our brief.

Now, you heard Mr. Ahmad talk about the Bruce Deal example, and that was a good point by him and maybe that example was very well taken from our brief.

But, you know, what he didn't address was why was it necessary for six attorneys and a paralegal to attend the deposition of Dan Rosenthal? That's how many they had. Why was that reasonable or necessary? We haven't heard any explanation.

We have, as I count it when $I$ was sitting here today, six attorneys for plaintiffs are here today, and at least one attorney I saw on BlueJeans -- so seven attorneys for plaintiffs are here.

Are we going to get a supplemental motion that it was reasonable for seven attorneys to attend this hearing?

And they have already sought fees in the current motion for -- you know, six or more attorneys attending a hearing. There has been no explanation for why that would be necessary or reasonable.

And then finally, Your Honor, just briefly, I will mention, you know, we contended that the Court should apportion the fees since the only statute they are relying on for the fee award is the Prompt Pay claim.

Their only response to this is they cite to this Mayfield v. Koroghli case by the Nevada Supreme Court from 2008. But that case actually supports our contention. It says, quote, The district court must, however, attempt to apportion the costs before determining that apportionment is impractical. So -- and that this court must make express specific findings on the record, finding that it was impossible to apportion the cost between the different claims before it simply determines that all the claims are too intertwined and, therefore, you can't apportion the fees.

So we would request that the Court apportion the fees and not award any fees that were specifically incurred on the RICO claim and the other claims they dismissed before trial.

And then just finally, Your Honor, I want to
address -- I don't know what the Court's position is going to
be on the supplement that they filed last Friday. We filed a response to it late last night.

THE COURT: I can tell you now that I don't intend to
rule on the supplement. That can be brought forward by a separate motion. You didn't get sufficient time to respond.

MR. BALKENBUSH: Thank you, Your Honor. I had a
section on that, but I'm not going to mention then.
THE COURT: I was going to ask you.
MR. BALKENBUSH: I will just rest and let Mr. Ahmad
respond. Thank you.
THE COURT: Let's let Mr. Polsenberg go.
MR. POLSENBERG: Exactly.
Thank you, Your Honor.
They don't get fees under the Prompt Pay Act. They are relying on Prompt Pay Acts in four different chapters of the NRS. We pointed out that the Casualty Insurance Prompt Pay Act, there is already a decision saying that there is no private right of action.

But these Prompt Pay Acts that they are looking at, it isn't something where they get fees for fighting over how much they are supposed to get.

The Prompt Pay Act is based on a concept that was in a regulation from the '70s and the '80s called M9 [phonetic]. That's back when Administrative Code had numbers that short.

And so what that basically said was you have to
respond to claims in 30 days. You don't have to accept them, but you have to respond to them in 30 days.

And here, let me use NRS 683A. 0879 as an example of what I'm saying under all these acts. What it says is that you have to approve or deny a claim relating to health insurance coverage within 30 days.

Now, the provisions that they don't set out in their brief, also like M9, say if you can't decide within 30 days, you can ask for additional information. And then you get more time to decide the claim.

The Prompt Pay Act of the statute says if the claim is approved, the administrator shall pay the claim within 30 days. It doesn't require an insurer to approve the claim. It doesn't require an insurer to approve all of the claim. What it says is, if you approve a claim, you have to pay that within 30 days.

And I think it's also clear from context that what we are talking about is the approved part of the claim. What they are suing us for is the denied part of the claim or the unapproved part of the claim.

If you look at the legislative history for these statutes, it's quite clear that what the doctors were complaining about is payors who don't pay. And the No. 1 complaint in the legislative history is Medicare, because they would take five months to pay a claim. And the doctors are
looking at their cash flow.
So this does not give them any kind of claimant under these circumstances.

We have argument in our briefs that there is no private right of action here. We have argued that it has to go through an administrative agency. And all of that makes the most sense.

I mean, if you have got a payor who is not paying you, you go to the Insurance Commissioner and you say, Look, you know, this insurance company, or the state Medicare, is not paying. And the Insurance Commissioner could come in and regulate that and impose the very high interest rate that is the penalty in here.

But I don't have to win those parts to deny them their fees. All I have to do is just point out, Look, it doesn't apply in this situation.

Thank you, Your Honor.
THE COURT: Okay. Thank you.
And the reply, please.
MR. AHMAD: Thank you, Your Honor.
I will set aside the argument I think that
Mr. Polsenberg raised. I don't think those were raised -well, frankly, I'm not sure some of those arguments were raised at all.

But to the extent that they were, I think they were
raised in the Rule 50 motions, not the attorney's fees. So we will address those later.

I do want to address the argument of his colleague about the fees. No. 1, he makes a lot about the expert that they provided saying that he has expertise in complex healthcare litigation.

He says, if you read his bio, he describes a --
THE COURT: I have known him since he was a young lawyer.

MR. AHMAD: Yes. I don't know that he only does that -- at least he advertises he does quite a bit of other things.

The one case that he indicated that was in health care, if $I$ am reading the description right, it is a civil rights case that, other than the fact that it was against a, you know, hospital, $I$ don't know that it was an actual healthcare case.

I have done civil rights cases against hospitals. You know, I don't think it is anywhere near the complexity of getting payment in a reasonable rate case for physicians against an insurance company. They are certainly not related in any way, other than the fact that they are -- they do talk in the general field of medicine. But that is all that they share. This has nothing to do with any work, certainly any trial that the expert did, at least as gleaned from his report
and his background.
Secondly, they make a big deal about the In re Mary Margaret -- Margaret Mary Adams case. And I agree. The Court should read it, because, unfortunately, I think they get it wrong. But don't listen to me.

They invited the Court to read the case. I will
instead of making the argument, I'll just quote from the case and I'll skip the citations.

THE COURT: I'm aware of the case.
MR. AHMAD: Yeah. I mean, it says block billed time entries are generally amendable to consideration under the Brunzell factors.

If -- well, excuse me, I skipped over something.
And a district court must consider block billing time entries when considering attorney's fees.

And then if a Court encounters difficulty considering the character of the work done or the work actually performed because of block billing, then the Court may order additional briefing or discount the relevant block billed time entry or entries by an appropriate amount.

And they note that in this case the block billing -the block billed entries submitted by plaintiff's counsel contained two or four task entries. This is not an extreme example of block building. And it does not duly interfere with the district court's ability to judge the

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reasonableness --
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And my computer went off.
But it goes on to say apparently that that didn't
necessarily --
THE COURT: Do you need it?
MR. AHMAD: I don't actually. I think $I$ was at the end of the part that $I$ was citing about.

THE COURT: All right.
MR. AHMAD: The part is -- the relevant part that the Court I think should read is two or three paragraphs. And, yes, I would invite the Court to read it.

But it does say that in this instance, they didn't think it necessarily inhibited the Court's view of -- and that's the issue, whether this Court feels that the entries prevent the Court from assessing the character of the work done.

And if the Court does, then, yeah, I agree that under the Margaret Mary Adams case, it is mentioned that the Court should order additional briefing or a discount. But it does not suggest that the Court should do that. And it said in this particular case, it was not an extreme position. And they weren't going to say from their position that it did. And they ordered remand for the Court to determine that.

And so with that, Your Honor, I will conclude and leave the rest of the argument for my colleagues.

THE COURT: Okay.

MS. ROBINSON: Your Honor, would you like us to
address the Prompt Pay Act issue now? Or address it in the context of the post judgment motions?

THE COURT: I think you need to address it now -MS. ROBINSON: Okay.

THE COURT: -- at least hit it, but not fully address
it.
MR. POLSENBERG: I think Jason and I agreed that we would do the Prompt Pay as part of this --

THE COURT: Well, if you want --
MR. POLSENBERG: -- so I'm not planning on bringing it up for the general motion.

THE COURT: All right. So then you need to do your entire argument on Prompt Pay.

MS. LUNDVALL: Well, but the one point though that I want to address though, Your Honor, is that when you look at the motion for attorney's fees -- in their opposition, in their opposition, they had full opportunity to advance this argument. And they didn't.

There is nothing contained within the four corners of their opposition that brings forth the argument that was made by Mr. Polsenberg.

MR. POLSENBERG: It's in our $50(A)$ motion. So if they don't have a Prompt Pay claim, they don't have the right to
right to do so.
THE COURT: If there was an agreement that it would be
handled at this stage, then I'm good to honor that.
MS. ROBINSON: Thank you, Your Honor.
So I won't spend long on this because it has been briefed pretty extensively.

THE COURT: And as always, the briefs are excellent.
MS. ROBINSON: Thank you, Your Honor. Thank you.
The -- as we have discussed in the briefs, our Prompt Pay claims, and as acknowledged by Mr. Polsenberg, are based on the -- on the statutes that we cite, not on the Casualty Prompt Pay statute, which was interpreted in the State versus Thorp case. And that's important. It's materially different because the Casualty Prompt Pay statute does not provide for a private right of action.

These statutes do provide that a Court shall award costs and reasonable attorney's fees to the prevailing party in an action brought pursuant to this section.

Now, United says that it doesn't matter if they pay -no matter how little they pay, that they could pay any amount, the jury obviously found it was too little. And that no matter how low, as long as that's paid within 30 days, then they've satisfied this.

But that would simply render these statutes toothless.
If an insurance company could pay any amount, no
matter how low, and satisfy their obligation, then the statutes, just -- they wouldn't have any effect.

So -- and the statute does say that an insurer administrator shall not pay only part of a claim that has been approved and is fully payable.

Now, we may dispute how much was payable. The jury found out how much was payable. It was payable and it was not fully paid. So to suggest that any amount, no matter how low -- and I apologize, I hear some feedback. I'm not sure if I need to stand closer or farther.

THE COURT: I'm fine.
MS. ROBINSON: Okay.
THE COURT: I think it was someone who needed to be muted.

MS. ROBINSON: Okay. So the idea that you could just pay any amount, no matter how low, and that would satisfy the statute is contrary not only to common sense, but also to the language of the statute.

Finally, with respect to administrative exhaustion,
these statutes do expressly contemplate core action. So general rules about the availability of administrative remedies do not control because these statutes have specific language regarding a court claim.

And so we urge the Court to reaffirm what is already held, that these statutes do apply and that we are entitled --
we asked for fees under these statutes.
And as Ms. Lundvall said, you know, I add that part about the fees. This wasn't part of the fees motion, but this is why we believe we are entitled to uphold of the jury's verdict on this.

Thank you, Your Honor.
THE COURT: Thank you.
All right. So this is the Health Care Providers' motion for attorney's fees. And I am going to grant it based upon prevailing party, as well as the Prompt Pay Act.

Now -- and then I am going to make a few observations first. And I may ramble around, but I am going to make a few.

I looked at every page of four -- is it four
appendixes -- appendices. And what I've looked for is things like hourly rates, who is doing the work, what the incremental billing time is, duplication of effort, block billing, redactions -- I looked at all of that because what I want to see is if you're pyramiding services.

And I didn't know that AZA and McDonald Carano -- I didn't know who the other law firms were or what they did until I saw the bills. But what appears is that in both firms, almost 70, 80 percent of McDonald Carano work was done by Ms. Perach and Ms. Gallagher, leaving about 20 to 30 percent of the work at the highest rate. So it tells me that they were careful in the way that they stacked the case.

I do note too that AZA, -you guys came in -- the first pro hac came in on August 4th, 2021, for a trial that started two months later. The defendant started their pro hacs in March of 2021. And frankly, I think you had more pro hac vice lawyers than they did. I didn't match up the numbers, but at least it seemed to be equal to me.

So -- and I am concerned about block billing because -- and what I assumed you guys would tell me is getting ready for this trial was a full-time thing. We came in at the last minute. We had to put all of our person power toward defending. This case, it was -- it's the most impressive defense I have ever seen by these defendants.

Every chance you had a possibility for an appeal, you raised it; you created a record. But that, unfortunately for the plaintiff, caused additional effort.

So I am going to grant the fees as requested.
I am going to reduce them by 10 percent only because we have had so many lawyers here for the plaintiff. It's a modest reduction. But I am going to find that the hourly rates were appropriate for each lawyer who -- because I looked at every page.

The quality of the lawyering on both sides was, you know, just not -- you're not super lawyers. You're ultra lawyers, so -- on both sides.

This is a really complex case. The work was done.

Results were obtained. Time spent sometimes for a little too much I thought.

I could tell that you were careful about conferences.
And frankly, there were some -- there were very few
redactions -- a few at the beginning -- I'm sorry -- more at the beginning and more at the end. But in the middle of the case, there were the least reactions, because that's when you were doing discovery and working things up.

The other two law firms had almost no reactions. And now that I understand their defined role, the fees were appropriate for them.

I find that the fees would have been reasonable in the full amount under the circumstances. I give great deference to the party's -- each party's choice of counsel. This was a unique case. And for those reasons -- hang on, I'm not considering the USA Today article. Let me make that clear, from the fourth appendix.

But this is a case that required full time and was a really rigorous trial, very rigorous and vigorous trial.

So for that reason the fees will be granted. The supplements not considered. 10 percent reduction.

I know it seems kind of like an awkward number. But I think it's fair, given the explanation $I$ just gave.

Now, let's talk about costs.
MR. BALKENBUSH: Colby Balkenbush, for the defendants,

Your Honor, on our motion to re-tax costs.
You know, the rules --
THE COURT: Do you guys want some direction from me on
this?
MR. BALKENBUSH: Sure. That would be great.
THE COURT: We do fees and costs all of the time.
MR. BALKENBUSH: Sure. That would be great, Your
Honor.
THE COURT: And so this is impressions that I have
formed. Why don't you step away so everybody -- just so they can see me. I don't want anyone to feel that they have been left out.

We do costs all the time.
It seems like the trial counsel, they have a
privileged life, and they ate at great restaurants and stayed at great hotels, and that's their right to do.

But when I shift that to the opposing side, it's
problematic for me. So I see -- I think reduction in meals, hotels, Westlaw, traveling first class -- those seem to be just unfair to shift to the defendant in this case.

But I do think the experts were all necessary. And if that helps focus you in your argument --

MR. BALKENBUSH: That is helpful, Your Honor.
I won't get into the restaurants and the first class tickets then. I will just focus on the experts. And then I
will respond to Mr. Leyendecker's argument, if he addresses the hotels and travel issue.

In regard to the experts --
THE COURT: And this is my snarky comment for the day
and I apologize for interrupting. But every time I look at
one side's fees, I always wonder how much the other side incurred.

MR. POLSENBERG: I didn't stay in a hotel.
MR. BALKENBUSH: And I can -- I can address that, Your
Honor.
So they point out, just in regards to the hotels, our out-of-state counsel -- yeah. I stayed at my house here in Las Vegas. But I did not host any of our co-counsel in my backyard.

But they stayed at the JW Marriott. And there is the contention on the other side's papers that, well, good for goose, good for the gander; right? That the out-of-state counsel for defendants are living in luxury, so it is not fair to -- you can't hold us to a different standard.

What I can say about that is that United, our client directly negotiated with the JW a significant discounted rate. And the rate was a -- it was close to equivalent to the average nightly rate of the Golden Nugget over the same time period this year. So I don't know what the rates were for the Golden Nugget because it's passed.

But for 2022, we calculated the rates. The current rates for the Golden Nugget were between 145 and 206 a night, depending on the night. So whatever the average of that is, you know, 180 or approximately, but that's what our rates were at the JW Marriott.

So that's why -- the reason we didn't attach all of our bills is our contention with all of this stuff is that the good for the goose, good for the gander argument -- it really has no application to a cost motion.

You know, if -- even if it had been the case that -and I can also represent too, for the JW, all of our paralegals, associates, and out-of-state partners all stayed in standard rooms. So I can represent that to the Court.

It just -- it really has no application here because even if we had all of our out-of-state counsel up at the Four Seasons in thousand-dollar-a-night rooms and, you know, having expensive meals every night and going out on the town, that wouldn't somehow justify plaintiff's doing the same thing.

The question is whether the costs are reasonable and then, quote, necessary under the statute. They have to be necessary. So they're not made necessary by the fact that the other side is doing the same thing, even if that had been true.

So that's why we didn't even really focus on that in our argument. In our view under the statute, you don't even
go there. You have to show that it's necessary to stay at this hotel, this, you know, luxury hotel. You have to show that it's necessary that you take the first class ticket.

And I won't go beyond that, but I think it's clear that it wasn't.

So let me address the expert issue, which it sounds like where the Court is focused. So they are seeking 264,000 in costs for Mr . Leathers, exclude -- and they've now produced the unredacted invoices, so we know it's just for him -- as opposed to the presumptive 1500 per expert that's called for in the statute.

So they are really four attacks we have on this.
The first is that -- so Mr. Leathers only prepared two reports. One is a 13 page report, he prepared back in July 2021, on the -- that solely focused on plaintiff's RICO damages. That was the only focus of it. And then he prepared a second 8-page supplemental report solely focused on plaintiff's compensatory damages after that.

So, you know, we are looking at 21 pages of report that he prepared.

We also know that he testified for just under seven hours on the witness stand at trial. I looked through the trial transcripts and calculated that.

And so I think our first point is just that sounds like a lot for seven -- under seven hours of testimony, 21
pages of reports, that sounds like a lot.
And then second, you know, the RICO damages were dropped by them prior to trial. And the test is that the Court has to find that it's -- the cost was necessarily incurred.

Well, we know that it wasn't necessarily incurred because they didn't try the RICO claim. So it may have been reasonable for them at the time to work up the RICO damages, since they still had their RICO claim. But it clearly wasn't necessary, if they dropped the claim and didn't try it.

So in our view, any costs related to his work on this first report, 13-page report, should not be allowed. And that's a significant amount of the cost that he's seeking.

And then second is, you know, Mr. Leathers admitted on the stand at trial that over 40 percent of the claims he analyzed from plaintiff's evolving claims spreadsheet were ultimately dropped by the plaintiffs, as they looked through things and changed their analysis. And so we know now that that analysis he did on those 40 percent of the claims that was dropped, it was, by definition, not necessary. So we're requesting a reduction based on that.

And then, third, they have --
THE COURT: And how would you quantify that reduction?
MR. BALKENBUSH: Well, it's, you know, it's a little difficult, Your Honor. We didn't get the -- so in their
initial memorandum of costs, they had all of the invoices redacted. And later -- they had now have submitted unredacted. So I haven't gone through all of the unredacted ones to see if we could quantify, you know, exactly.

But I think it would be difficult because most of his
entries are, you know, analyze claim, analyze claim spreadsheet. He's not discussing in his entries, you know, which ones we're discussing in earlier or later claims spreadsheet or when the spreadsheet changed.

So I don't know that we would be able to do that. I mean, we're asking for a reasonable reduction on his costs because of that.

And we will leave that to the Court's discretion.
And then third, they admit, it's not entirely clear from his billing entries, but they admit in their motion work that he apparently provided assistance in preparing cross-examination outlines to plaintiffs.

And you know, we've had our experts -- I don't know if we had it in this case, but we've had them do that before for us. That's common. I understand that's common. But it's not something that is permitted under NRS 18.010, which defines what costs are.

That statute, in defining what the Court may award for expert costs, it's specifically focused on costs related to the expert's testimony. So any help he gave to plaintiff's
counsel in preparing, you know, cross-examination outlines for Mr. Deal, for example, that's just simply not permitted under the statute. The costs have to be related to his own testimony. So that would be the reports and then any preparation he did for that just under seven hours of testimony.

So based on that, we're requesting that the Court reduce the fee -- or the cost request for Mr. Leathers, and use its discretion to cut that down, and not -- and either award 1,500 or a different amount the Court finds reasonable.

And then just the last thing I will mention is the E-discovery fees that they are seeking -- they are seeking 78,315 in discovery fees. And they seek this under the catchall provision, Subsection 17 of 18.005.

So I guess a couple of things on that. The case law Burgmann v. Boyce, the Nevada Supreme Court decision on that statute, it says that the Court should sparingly exercise its discretion to allow costs under that catchall provision.

Because literally anything -- you could put any type of cost under there, theoretically. It's the catchall provision of the statute. So it should be sparing.

And there is no case law cited by either side where a court in Nevada has ever awarded E-discovery fees. It's just not there. And we know it's not expressly authorized by statute. It authorizes Westlaw research. That's expressly in
there. But there's nothing about E-discovery fees.
And so given the statement that it should be exercised sparingly, I mean, you put costs under that statute, we think that should be disallowed. And I will also just note too that they have only provided a 1-page document justifying these 78,000 in E-discovery fees.

The allegation is that McDonnell Carano has this vendor called Everlaw they use for document management, and that, you know, they have a license fee they paid to them.

But this is a self-generated homepage document. There
is no way to even determine from it what was done with the software. You know, we don't know if -- are they trying to charge us the entire fee for using Everlaw for the whole year?

Are they charging us a percentage of the fee they paid per year to Everlaw to use that? None of that has been -- has been resolved here.

So based on that and the fact the Court should exercise its discretion sparingly that award costs in the catchall provision, we request that those be disallowed.

And I think I will rest at that. And I will respond to any comments Mr. Leyendecker has.

THE COURT: Thank you.
MR. LEYENDECKER: Good morning, Your Honor. How are you today?

THE COURT: I'm doing great. Thanks.

MR. LEYENDECKER: Okay. I am -- sometimes fancy myself as a kind of a high-level, big picture thinker. And in that sense, that's how I would like to approach this issue with Your Honor.

I hear you on the optics of first-class flights and hotels, so I'm going to touch on those, because there's important information that Your Honor needs to know.

But let me start with this suggestion that the Court should reduce the $\$ 264,000$ in expert fees to $\$ 1,500$.

This, as the Court knows, is not a car-crash style case. It's the other end of the spectrum.

Their expert, who -- PhD from Harvard did an elaborate analysis to try and obfuscate what should be, ultimately was, the evidence the jury heard from Mr. Leathers. His first report is 100 pages, to say nothing of his work papers.

The idea that a party could get an expert just to address, absorb, and respond to that for $\$ 1,500$ is crazy. All right. He worked, towards the end of the case, a little bit like the AZA lawyers -- and in fact -- and I submit to you that if he had been involved from day one, his bill, like I am certain Mr. Deal's bill, is substantially higher than that. No question about that. Okay.

Number two, let's talk about the optics of first-class flights. A study of our invoices, submitted with

Ms. Lundvall's affidavit, shows that there were 40 flights,

4-0. There were four that carried a first-class moniker on them. And what I would direct the Court to is Bates 1434, and one of the four first-class flights from Mr. Zavitsanos carried the price tag of $\$ 1102$. At 1315 of the cost record is a flight for Ms. Robinson, Southwest $\$ 916$. This is not a case where, A, we are flying across the country first-class. It's 4 out of 40; right? The rates are, as a practical matter, commensurate.

And most importantly, Ms. Lundvall, in the reply, found those four first-class flights and cut them in half to well underneath the rate that $I$ just described Your Honor as an example of a Southwest fare, which has no first-class. So we have addressed that issue.

Number two, on the hotels. We actually were booked at the Nugget and stayed there at the beginning of the trial. The only rooms they gave us faced Fremont Street. I was in one of those rooms.

Zero workspace. The noise is unbearable. I actually left the -- I called the hotel and argued with the manager to get us other rooms, even though we had a good block. That's all we got. I actually left and stayed, I think it's called The Crown something or other, just to get away from the noise.

But the practical matter is there is no ability for us to have stayed at the Nugget. Those rooms were not workable. They had a desk, at most, the size of the podium I'm at right
now.
So at the Vdara®, which is where we ended up, the lawyers that tried the case did end up with, what I would describe, as a hotel suite, a bedroom and then a room with a dining room table and a work area.

I like to have my ability to spread my stuff and work out, as do my colleagues. And so the people that got those room at 475 were the partners and lawyers who were taking active roles in the case. Everybody else had a typical room which, I think is in line with what they are describing.

But the suggestion that we could have and should have stayed at the Nugget? We tried. Not workable. I think it is absolutely reasonable and necessary and appropriate to afford the lawyers who are going to try the case a room in which they can actually work, which we did frequently, well into the night. And so 475 may be higher. I don't know. I hadn't seen their bills. I don't know whether, for example, Mr. Blalack had two rooms at $\$ 300$ a night -- one in which he could sleep in, and one which he could work in. I don't know. We haven't seen those bills.

I can tell you, though, you could not work the kind of work that was involved with the people that tried the case in the kind of setups you could get at the Nugget. It just wasn't workable.

Okay. Meals. We cut those meals in half. I
understand we had some nice meals. There are nice restaurants in this town. Very nice. We cut those in half. All right.

When I -- the things that got my -- the hair up on the back of my neck with their motion to re-tax was the accusation that we are seeking to have the Court bless and tax the defendants with costs that I paid for spa services for the paralegals that were here working. And I did. But they know, Your Honor, can I get the ELMO -- can I have the ELMO turned on?
[Pause in the proceedings.]
MR. LEYENDECKER: I'd like the Court's indulgence.
This is important to me, Your Honor.
THE COURT: Take your time.
The problem is we're running out of time, but -MR. LEYENDECKER: I'm about done with this last point. That's going to sum it up for me.

Let's do this. In the motion, the motion to re-tax, they cite at page 9, at the top of page 9, the Vdara bill. The second payment of which was for $\$ 116,077.05$, and they cite Bates 1675 of the supporting documentation.

Page 1675, Your Honor, is the summary of the second half of the Vdara charges --

THE COURT: If you can't put it on the ELMO, show it to your opposing counsel, and you may approach with it.

MR. LEYENDECKER: It's cited in his paper. He's seen

THE COURT: He needs to see it now.

MR. LEYENDECKER: So page 9 of his motion to re-tax at
the top, he cites the $\$ 116,077.05$--

THE COURT: I have it right --

MR. LEYENDECKER: -- which is the second half of the

Vdara bill.

THE COURT: I have it on my screen.

MR. LEYENDECKER: Okay.
THE COURT: But could I see what you were looking at?

MR. LEYENDECKER: Yes. I'm sorry, Your Honor.
That's the page that's cited for the 116,000 and
change.
THE COURT: I see the deduction.

MR. LEYENDECKER: Yes. They know we didn't seek it from our client, let alone from -- and we are not seeking it from them here or asking the court to award that.

And so in my view, and in my experience, when lawyers make arguments that have an optical "got you" feel, like, oh, first-class all over the country; we're seeking a charge for salon charges when that's demonstrably untrue, that speaks to the actual merit of what they have to say.

So I'll leave it to Mr. Balkenbush to explain why he would put in a motion what he did there. But we didn't -- we are not seeking that, and they know it.

Okay. E-discovery. I think this is my last thought here.

The Court is aware, because of the nature of the sanctions awarded, that at the end of the day they dropped about 500,000 documents on us on the eve of depositions. And there is simply no way to process those kinds of documents and take the number of the depositions that were taken without an E-discovery tool. And for that reason alone, all of those costs were reasonable and necessary in the context of this case.

I don't know that $I$ heard an argument about the computerized legal research. But the Court is well aware of the complexity of the case, the nature of the issues, the excellent defense, and the no-stone-unturned nature of it. And so there was no amount of effort that was necessary to respond in kind to all of those various challenges.

And for that reason, Your Honor, I understand the optics about first-class. I've explained why that's not really an issue. We've addressed it.

I've explained what I think is the support for why we ended up at the Vdara, and why the Nugget-style hotel wouldn't work. And I've touched on this with Mr. Leathers, who was the biggest chunk of the bill. And you just can't get a case like this done for $\$ 1,500$ or anything like that.

Thank you.

THE COURT: Anyone else before I hear the reply?
Mr. Balkenbush.
MR. BALKENBUSH: So why don't I just get the easy part out of the way. And I certainly hadn't noticed that document that Mr. Leyendecker just showed the Court. And I'll -- you know, we'll just accept his representation, in that -- what that document appears to show that they didn't pass on that salon charge, so I'll withdraw that section of our argument.

Certainly --
THE COURT: Mr. Balkenbush, I am certain that you would not have made a misrepresentation to this Court.

MR. BALKENBUSH: Thank you, Your Honor.
So setting aside that issue, I think the only issue I
really need to address is this hotel, the lodging issue.
So there is a representation that, you know, they tried staying at the Golden Nugget, which was less and closer to the courthouse, but that didn't work for a variety of reasons. And I understand that.

But the test -- and we cited to this in our papers --
the test if you want to get reimbursed for, quote/unquote, luxury hotel accommodations or higher-end hotel accommodations is that you have to show that there was no other reasonably priced alternative available to house counsel.

There are two cases that we cited for that. The Long versus Nationwide Legal File \& Serve, Inc. case out of the

Northern District of California, and also the Witt versus United Behavioral Health case, also out of the Northern District of California. It's a 2022 case.

And they said you needed a declaration stating that the luxury hotel was the only one close to the courthouse that would accommodate the needs of plaintiff's trial team.

So there has been a representation now by
Mr. Leyendecker that the Golden Nugget apparently could not accommodate their team and was not sufficient. But obviously, there are many other hotels close to this courthouse that they could have considered.

There is the Circa Hotel that is close.
THE COURT: Mm-hmm.
MR. BALKENBUSH: There are other hotels. They haven't -- to get those fees for the Vdara, Your Honor, or to not have them reduced significantly, they would need a declaration saying that they looked at all of the hotels that are closer here and none of them could accommodate their needs.

There hasn't been that representation by
Mr. Leyendecker, and they haven't made that representation in their papers.

So I understand where he's coming from. Again, it's fine if their client would like to pay for that. But that is not what is permitted by the case law and the statute, as far
as reimbursement.
And, I mean, there's not -- there's still not been any
explanation either, Your Honor, as to why standard rooms wouldn't have worked at the Vdara for housing their attorneys, which would have reduced the costs from approximately, by our calculation, for 464 to 272 a night. I mean, it was clearly sufficient for Mr. McManis and the associates.

There's no -- I mean, there's no indication of why that would be insufficient for Mr. Zavitsanos and Mr. Leyendecker.

And I can represent that, you know, we did not have, you know, multiple -- we had a conference room at the JW Marriott that we set up where we were able to go and meet. But that every -- they had -- we had standard rooms there. There were -- you know, one person had a standard room and then another room to work in. So I just -- I don't think there has been the showing by them, that they would need to make, that there was no other reasonable alternative in order to get those costs.

And then just in regards to the first-class flights, the meals and stuff, you know, they kind of tried to feign that they're taking responsibility in taking those out, but they didn't really. All they offered was a $\$ 12,000$ reduction of their over a million dollars in costs that they're seeking. $\$ 12,000$ for the alleged, I guess, four first-class
flights and then a reduction in the meals they had out. But that didn't -- they never offered any reduction for the lodging, and they still haven't.

So I don't think -- and I think that was just a feign
to try to get this Court to move on and ignore the other instances of excessive costs that we have pointed out.

We would request a significant reduction.
And I don't have anything else, Your Honor. Thank you.

THE COURT: Thank you, both.
All right. So this is the defendant's motion to re-tax the plaintiff's costs. It's going to be granted in part and denied in part as follows.

And some of this is kind of ticky-tacky, but we saw parking fees and parking tickets. It's not just in the statute, so those will be -- the motion will be granted in part and denied in part.

The parking and four parking tickets are disallowed. Meals will be reduced by an additional 50 percent. The hotels will be billed at the Circa rate of 325 because that would have -- theoretically, would have been available downtown.
I'm going to deny the objection with regard to Westlaw.

With regard to traveling first class, everything will be reduced to what the price of a coach ticket would have
been.
E-discovery fees will be allowed under the catchall provision of 18.005(17), due to the circumstances of the case and the necessity to process a huge amount of information in a very quick time.

With regard to Mr. Leathers, I realize that the RICO damages were dropped and that some of the claims were reduced. But rather than punish the plaintiff for that, I think I should congratulate them because they realized that those were claims to abandon. And while they did have to do the work to pursue them, they realized that they needed to drop them.

The motion to re-tax suggested that RICO claims were 40 percent of the work of $\operatorname{Dr}$. Leathers, so I will reduce Dr. Leathers by 20 percent.

But all other experts were necessary and may exceed the initial cap. They have met the necessary grounds to be allowed.

Okay. So --
MR. POLSENBERG: I think week we could do the bond issue in two minutes.

THE COURT: Let's do the bond issue.
MR. POLSENBERG: And I am basing that on Jane's optimism.

MS. ROBINSON: Agreed, Your Honor.
THE COURT: Agreed?

MS. ROBINSON: Yes.

THE COURT: I'm running out of time.

Before we do the bond issue, let me just tell you
guys, we have three other motions.
Motion for judgment is a matter of law; motion for new
trial; and a motion for remitted or to amend. And we're not
going to get to these today.
If you want to argue them, we're going to have to find another time.

MR. POLSENBERG: Yeah. You had mentioned tomorrow.

That is my granddaughter's birthday party.
THE COURT: What time?
MR. POLSENBERG: It's at 1:00.
THE COURT: I am in trial tomorrow at 1:00. I could give you probably an hour in the morning, if $I$ can move some things. I have a number of things at 9:30. Fairly short things at 10:00. And then I could compress 10:30 and 11:00 and probably give you an hour to an hour and a half tomorrow, to be done by noon.

Why don't you guys let us know tomorrow if that will work or later this afternoon.

MS. ROBINSON: I mean, I think, you know, you mentioned, like --

MR. POLSENBERG: Or we could do it -- we could do it by Zoom?

MS. ROBINSON: It may not be necessary to argue them. But I believe that the defendants do want to argue them.

We had agreed on an hour total for all three motions. So if we had an hour, I think, you know, assuming that we go forward with the argument, that that would be sufficient.

MR. POLSENBERG: Yeah. Let me check --

MS. ROBINSON: Oh, I was just going to say, I just extended my reservation, so I am available to stay. While we were here I realized I would probably need a room tonight at the Circa. So, you know, we just -- I just got that extra night. So I can stay and be here to argue tomorrow morning, to argue if that's --

THE COURT: Rather than putting you all on the spot, just let Karen know after lunch.

MR. POLSENBERG: Yeah. I need to check with --
THE COURT: Just let Karen know after lunch.
MR. POLSENBERG: I need to check with my client on
some of the options.
THE COURT: Great. Let's talk about the bond issue,
please.
MS. ROBINSON: So I realized traditional, it's their
motion. I could just state our position. I think that will probably resolve this --

THE COURT: Do you have any objection about that?
MR. POLSENBERG: I have no problem with that.

THE COURT: Thank you.

MS. ROBINSON: So here is our position, and this is why we didn't stipulate. The statute regarding the cap has almost no case law interpreting it whatsoever.

And so in light of the fact that either the legal circumstances or the factual circumstances could change, we did not want to lose --

I am sorry, Your Honor.
THE COURT: You know, you guys, there was part of the motion on re-taxing costs that I omitted from my ruling that I just realized, because Rita, who has spent a month helping me get ready for these motions, just reminded me very politely.

And forgive me for interrupting that because it's in the supplement. All right. And I really do apologize.

MS. ROBINSON: Oh, not at all, Your Honor. Please.
THE COURT: All right.

MS. ROBINSON: No. No. I'm sorry. I -- the look on my face was just blank. I'm fine.

THE COURT: So I need to sustain the objection to some of the copying costs raised by the defendant. And that is under the Cadle standard of McDonald Carano. I have to reduce by $\$ 10,788.90$ due to the fact that it wasn't sufficiently supported by affidavit.

For the AZA copying costs with the photocopies, under the Cadle standard, I have to reduce that by $\$ 50,714.32$.

So please add that to your order, Mr. Balkenbush. MR. BALKENBUSH: And, Your Honor, I apologize. The first number, the copying costs from McDonald Carano, you said 10,000. I didn't get the last part.

THE COURT: Reduced by 10,788.90.

MR. BALKENBUSH: Thank you.

MS. LUNDVALL: Your Honor, from this perspective, the

Court's suggestion that we hadn't met the Cadle standard,
since this wasn't an issue that was raised by their brief that
we haven't had an opportunity to speak to that.
If we can provide an opportunity to be able to speak
to that --

THE COURT: I would suggest that you do a motion to
reconsider, and see if you can properly document it.
MS. LUNDVALL: Thank you, Your Honor. Because I do
believe that the documentation is properly there.
But we will address it through a motion for
reconsideration.

THE COURT: Thank you.
Mr. Leyendecker, the same?
MR. LEYENDECKER: Just a point of clarification, Your

Honor.

THE COURT: Sure.

MR. LEYENDECKER: On the 50 percent reduction in
meals, that's on top of the 50 percent we already proposed?

THE COURT: That's correct.

MR. LEYENDECKER: And the 325 Circa rate applies to
all of the rooms? Or just --
THE COURT: All rooms.
MR. LEYENDECKER: -- the rooms at 475?
THE COURT: All rooms.
MR. LEYENDECKER: All of the rooms. So recalculate it at 325.

THE COURT: Yeah. Or lower, if you paid lower.
MR. LEYENDECKER: Okay.
THE COURT: That would be the max. Now, with my
apologies --
MS. ROBINSON: No worries at all.
MR. POLSENBERG: So here's what I think Jane is
saying, that she -- that this looks okay to her, but she
doesn't want to stipulate to it, in case she can down the line
have an argument to increase the bond.
That's what we did in the school district bullying
case --
THE COURT: Right.
MR. POLSENBERG: -- where we approved the stay without
prejudice for the plaintiff to come in with a new argument.
Would that be all right?
MS. ROBINSON: We don't have an objection to stay at
this time, Your Honor.

But we would -- we would want to reserve the right to ask for relief from the Court. For example, should we learn of factual circumstances that cause us concern. Or if -especially if there should be clarification regarding the scope of the stay.

This is an unusual situation where we have five defendants. And so the -- it's not clear, based on the lack of case law and lack of guidance on the statute, how that would apply if, say, one of the defendants were to suddenly have financial problems, or if they're going to need further guidance.

So we just -- we -- at this time, we do believe that it appears, based on the very little guidance there is, it appears to comply.

But yes, we do not want to waive any potential rights we would have to ask for relief.

THE COURT: And your response?
MR. POLSENBERG: I would have to check with the client for something like that.

But I understand what they're saying. And just as they wouldn't stipulate to our bond, I won't stipulate to the conditions.

But I was in the same position with you in another case, so I'm pretty sure you're going to give it to them. THE COURT: You're right.

MR. POLSENBERG: Yeah.
THE COURT: So the motion to approve the form of supersedeas bond and affirmed stay, pending appeal will be granted, without prejudice to the plaintiff to seek an additur or additional bond.

MS. ROBINSON: Thank you, Your Honor.
THE COURT: Okay. And so, Mr. Polsenberg will prepare that order.

You guys will let me know this afternoon about
tomorrow. And please let me know as soon as you can because I do have to move a few things.

MS. ROBINSON: And so it would be an hour before noon?
THE COURT: Let me look again --
MS. ROBINSON: Okay.
THE COURT: -- just because I'm doing this on the fly
a little bit. I'm trying to see what it is that's set tomorrow and how long I can really give you.

MR. POLSENBERG: Yeah. Because tomorrow I had to move Justice [indiscernible] hearing in Reno, which I mentioned in another hearing. That was set for tomorrow and she moved it for the birthday party.

THE COURT: So I think that if you guys are here at 10:30, you shouldn't have to wait long. And I will move everything I can earlier.

And if we find we can get you at 10:00, we'll try to

MS. ROBINSON: That's fine for the plaintiffs, Your Honor.

MR. POLSENBERG: Yeah.

THE COURT: That gives you your hour.

MR. POLSENBERG: I can't -- I can't go to Wally
Wombats dressed like this, Judge.

THE COURT: Mr. Polsenberg, you will work that out.

MR. POLSENBERG: All right. Very good. Thank you,

Your Honor.

THE COURT: All right, guys. Good to see everybody.
Take care. Stay safe and healthy.

And Rita did spend about a month helping me get ready for this. We have been doing it piecemeal through other trials, so anyway --

MS. ROBINSON: Thank you, Your Honor.

THE COURT: Yeah. I'm glad you guys got a chance to meet Rita as well.

All right. Court is in recess.
[Proceedings adjourned at 11:52 a.m.]

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.
 Independent Transcriber CERT**D-323 AZ-Accurate Transcription Service, LLC

## ORDR

# DISTRICT COURT CLARK COUNTY, NEVADA <br> * * * * 

FREMONT EMERGENCY SERVICES
(MANDAVIA), LTD., a Nevada professional corporation; TEAM PHYSICIANS OF NEVADA-MANDAVIA, P.C., a Nevada professional corporation; CRUM, STEFANKO AND JONES, LTD. dba RUBY CREST EMERGENCY MEDICINE, a Nevada professional corporation,

Plaintiff(s),
vs.
UNITED HEALTHCARE INSURANCE COMPANY, a Connecticut corporation; UNITED HEALTH CARE SERVICES INC., dba UNITEDHEALTHCARE, a Minnesota corporation; UMR, INC., dba UNITED MEDICAL RESOURCES, a Delaware corporation; SIERRA HEALTH AND LIFE INSURANCE COMPANY, INC., a Nevada corporation; HEALTH PLAN OF NEVADA, INC., a Nevada corporation; DOES 1-10; ROE ENTITIES 11-20,,

Defendant(s).

CASE NO.: A-19-792978-B DEPARTMENT 27

## Order Amending Oral Ruling Granting Defendants' Motion to Retax

COURT FINDS after review that this matter came before the Court on Defendants'
Motion to Retax on June 29, 2022. The Court ruled from the bench. No written order has yet been presented.

COURT FURTHER FINDS after review that pursuant to NRS 18.005(12), Pat Lundvall, Partner with McDonald Carano, submitted a memorandum of costs claiming reasonable costs for photocopies \$ 46,304.27.

COURT FURTHER FINDS after reviewing the Cadle standard that a district court must have before it evidence that the costs were reasonable, necessary, and actually incurred, where justifying documentation must mean something more than a memorandum of costs.

COURT FURTHER FINDS after review that Declaration of Pat Lundvall in conjunction with the submitted memorandum of costs and attached invoices were not sufficient to justify all the charges incurred for photocopying. The document attached in the appendix justifying the photocopies costs for McDonald Carano was not itemized and did not include the proof of those costs actually incurred. Ahmad, Zavitsanos, Anaipakos, Alavi \& Mensing P.C. and Napoli Shkolnik PLLC provided invoices from three different vendors. The invoices were itemized and proved the costs incurred; however, no documents indicating the costs were necessary was provided.

COURT FURTHER FINDS after review that the costs for photocopies, $\$ 10,788.90$ for McDonald Carano and $\$ 50,714.32$ for Ahmad, Zavitsanos, Anaipakos, Alavi \& Mensing P.C., indicated on the record on June 29, 2022, were incorrect, as they reflected amount exceeding the one requested in the Memorandum of Costs submitted by Pat Lundvall.

COURT FURTHER FINDS after review that to successfully tax the costs of the photocopies in compliance with the Cadle standard the following items should be included: 1) the properly itemized invoices from third party vendors - as a proof of costs incurred; 2) the total costs for photocopies requested per each firm - to ensure no duplicate costs were incurred; and 3) documents explaining the allocation of photocopies performed by each firm - to prove necessity of overall costs.

THEREFORE, COURT ORDERS for good cause appearing and after review Sua Sponte Motion to Retax that the amount requested by Plaintiff for photocopies, $\$ 46,304.27$, is hereby DEDUCTED from the total costs requested. The forthcoming written order, when presented, should be reflective of this order and not the oral ruling.

Dated: June 30, 2022

Dated this 1st day of July, 2022


839151 C108 5C6C
Nancy Elf
District Court Judge

## CERTIFICATE OF SERVICE

I hereby certify that on or about the date signed I caused the foregoing document to be electronically served pursuant to EDCR 8.05(a) and 8.05(f) through the Eighth Judicial District Court's electronic filing system, with the date and time of the electronic service substituted for the date and place of deposit in the mail to
$\qquad$ /s/ $\qquad$
Karen Lawrence Judicial Executive Assistant

## CSERV

Fremont Emergency Services
(Mandavia) Ltd, Plaintiff(s)
vs.
United Healthcare Insurance
Company, Defendant(s)

## AUTOMATED CERTIFICATE OF SERVICE

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Service Date: 7/1/2022
CASE NO: A-19-792978-B
DEPT. NO. Department 27

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338

corporation; SIERRA HEALTH AND LIFE INSURANCE COMPANY, INC., a Nevada corporation; HEALTH PLAN OF NEVADA, INC., a Nevada corporation,

Defendants.
Please take notice that an Order Denying Defendants' Motion for Remittitur and to Alter or Amend the Judgment was entered on July 18, 2022, in the above-captioned matter. A copy is attached hereto.

Dated this $19^{\text {th }}$ day of July, 2022.

## McDONALD CARANO LLP

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## CERTIFICATE OF SERVICE

I CERTIFY that I am an employee of McDonald Carano LLP, and on this $19^{\text {th }}$ day of July, 2022, I caused a true and correct copy of the foregoing NOTICE OF ENTRY OF ORDER DENYING DEFENDANTS' MOTION FOR REMITTITUR AND TO ALTER OR AMEND THE JUDGMENT to be filed and served via this Court's Electronic Filing system in the above-captioned case, upon the following:
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An employee of McDonald Carano LLP

ODM

# DISTRICT COURT CLARK COUNTY, NEVADA <br> * * * * 

FREMONT EMERGENCY SERVICES
(MANDAVIA), LTD., a Nevada professional corporation; TEAM PHYSICIANS OF NEVADA-MANDAVIA, P.C., a Nevada professional corporation; CRUM, STEFANKO AND JONES, LTD. dba RUBY CREST EMERGENCY MEDICINE, a Nevada professional corporation,

Plaintiff(s)
vs.
UNITEDHEALTH GROUP, INC., a
Delaware corporation; UNITED
HEALTHCARE INSURANCE COMPANY, a Connecticut corporation; UNITED HEALTH CARE SERVICES INC., dba UNITEDHEALTHCARE, a Minnesota corporation; UMR, INC., dba UNITED MEDICAL RESOURCES, a Delaware corporation; OXFORD HEALTH PLANS, INC., a Delaware corporation; SIERRA HEALTH AND LIFE INSURANCE COMPANY, INC., a Nevada corporation; SIERRA HEALTH-CARE OPTIONS, INC., a Nevada corporation; HEALTH PLAN OF NEVADA, INC., a Nevada corporation; DOES 1-10; ROE ENTITIES 11-20,

Defendant(s).

CASE NO.: A-19-792978-B

DEPARTMENT 27

## ORDER DENYING DEFENDANTS' MOTION FOR REMITTITUR AND TO ALTER OR AMEND THE JUDGMENT

On June 29, 2022, a hearing was held before the Court on Defendants' Motion for Remittitur and to Alter or Amend the Judgment. This matter was taken under advisement. The Court, having considered the Motion, the Opposition, and the Reply, as well as the exhibits thereto, and argument of counsel, orders as follows:

## ORDER.

COURT FINDS after review that if an award of damages is excessive, the Court may order remittitur damnum to reduce the damages or, alternatively, a new trial. Canterino v. The Mirage Casino-Hotel, 117 Nev. 19, 22 (Nev. 2001). An award of compensatory damages must be overturned if the "award is so excessive that it appears to have been given under the influence of passion or prejudice." Bahena v. Goodyear Tire \& Rubber Co., 235 P.3d 592, 601 (Nev. 2010). Although the size of the award alone is not conclusive of passion or prejudice, the Court should reduce or disallow the award if "its judicial conscience is shocked." Guaranty Nat'l Ins. Co., v. Potter, 112 Nev. 199, 207 (Nev. 1996).

COURT FURTHER FINDS after review that with regard to special damages, while the amount of damages does not need to be mathematically exact, there must be "an evidentiary basis for determining an amount that is reasonably accurate." Bahena, 235 P .3 d at 601 ; see also Canterino, 117 Nev . at 24. The District Court has significant discretion in ruling upon a motion 'accord deference to the trial judge's decision and reject a challenge to the judge's discretion if there is a material conflict of evidence regarding the extent of the damages." Id.

COURT FURTHER FINDS after review that to determine whether a punitive damage award violates a party's due process rights a court must consider (1) 'the degree of reprehensibility of the defendant's conduct," (2) the ratio of the punitive damage award to the "actual harm inflicted on the plaintiff," and (3) how the punitive damages award compares to other civil or criminal penalties "that could be imposed for comparable misconduct." Bongiovi v. Sullivan, 122 Nev. 556, 582, 138 P.3d 433, 452 (2006).

COURT FURTHER FINDS after review that " $[\mathrm{t}]$ he most important indicium of reasonableness of a punitive damages award is the degree of reprehensibility of the defendant's conduct." State Farm Mut. Auto. Ins. Co. v. Campbell, 123 S.Ct. 1513, 538 US 408, 419 (2003).

The reprehensibility factors considered are: 1) the type of the harm caused; 2) the indifference to or a reckless disregard of the health or safety of others; 3) whether the target of the conduct is financially vulnerability; 4) if the conduct involved repeated actions or was an isolated incident; and 5) the harm was the result of intentional malice, trickery, or deceit, or mere accident. Id. at 1521, 538 US at 419. The existence of any one of these factors weighing in favor of a plaintiff may not be sufficient to sustain a punitive damages award; and the absence of all of them renders any award suspect. $I d$.

COURT FURTHER FINDS after review when defendants' actions were intentional and repetitive, resulting in economic harm to plaintiffs, this can warrant an award of punitive damages. In Re USA Commercial Mortg. Co., 2013 WL 3944184 (D. Nevada 2013). When assessing reprehensibility, the court can consider the risk of harm to others when the conduct at issue was putting them at risk too. Merrick v. Paul Revere Life Ins. Co., 594 F.Supp.2d 1168, 1186 (D. Nev. 2008). During the trial, evidence was presented that supported the jury's finding of repeated wrongdoing, which harm was caused by oppression, intentional malice, and/or fraud.

COURT FURTHER FINDS after review and consideration of the entire record, that with respect to the reprehensibility factors, the evidence supports the jury's decision on punitive damages.

COURT FURTHER FINDS after review that "because there are no rigid benchmarks that a punitive damages award may not surpass, ratios greater than those we have previously upheld may comport with due process where a particularly egregious act has resulted in only a small amount of economic damages .... The converse is also true, however. When compensatory damages are substantial, then a lesser ratio, perhaps only equal to compensatory damages, can reach the outermost limit of the due process guarantee." Campbell, 123 S.Ct. at 1524, 538 US at 424-25.

COURT FURTHER FINDS after review that " $[t]$ he precise award in any case, of course, must be based upon the facts and circumstances of the defendant's conduct and the harm to the plaintiff." Campbell, 123 S.Ct. at 1524, 538 U.S. at 425. Therefore, constitutionality of the punitive damages is a factually charged analysis and is not a bright line rule.

COURT FURTHER FINDS after review that given the degree of reprehensibility of the Defendants' conduct, as found by the jury, the evidence supported a finding that the ratio of punitive damages to the economic ones is appropriate.

COURT FURTHER FINDS after review that this jury verdict was based on careful deliberation and examination of testimony, supported by substantial evidence, and the jury's determination should be ultimately deemed appropriate.

THEREFORE, COURT ORDERS for good cause appearing and after review that Defendants' Motion for Remittitur and to Alter or Amend the Judgment is hereby DENIED.

Dated: July 18, 2022
Dated this 18th day of July, 2022
Nancy Allf

FB8 34178208293
Nancy Allf
District Court Judge

## CERTIFICATE OF SERVICE

I hereby certify that on or about the date efiled, a copy of the ORDER DENYING DEFENDANTS' MOTION FOR REMITTITUR AND TO ALTER OR AMEND THE JUDGMENT to be electronically served pursuant to EDCR 8.05(a) and 8.05(f) through the Eighth Judicial District Court's Electronic Filing Program.

If indicated below, a copy of the foregoing was also:
__ Mailed by United States Postal Service, Postage prepaid, to the proper parties listed below at their last known addresses) :
$\qquad$ /s/ $\qquad$
Karen Lawrence
Judicial Executive Assistant

## CSERV

Fremont Emergency Services
(Mandavia) Ltd, Plaintiff(s)
vs.
United Healthcare Insurance
Company, Defendant(s)

## AUTOMATED CERTIFICATE OF SERVICE

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

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## DISTRICT COURT

## CLARK COUNTY, NEVADA

FREMONT EMERGENCY SERVICES (MANDAVIA), LTD., a Nevada professional corporation; TEAM PHYSICIANS OF NEVADA-MANDAVIA, P.C., a Nevada professional corporation; CRUM, STEFANKO AND JONES, LTD. dba RUBY CREST EMERGENCY MEDICINE, a Nevada professional corporation,
Plaintiffs,

Case No.: A-19-792978-B
Dept. No.: 27

## DEFENDANTS' OBJECTION TO PLAINTIFFS' PROPOSED ORDER APPROVING PLAINTIFFS' MOTION FOR ATTORNEYS' FEES

[HEARING REQUESTED]

UNITED HEALTHCARE INSURANCE COMPANY, a Connecticut corporation; UNITED HEALTH CARE SERVICES INC., dba UNITEDHEALTHCARE, a Minnesota corporation; UMR, INC., dba UNITED MEDICAL RESOURCES, a Delaware corporation; SIERRA HEALTH AND LIFE INSURANCE COMPANY, INC., a Nevada corporation; HEALTH PLAN OF NEVADA, INC., a Nevada corporation,

Defendants.

Defendants UnitedHealthcare Insurance Company ("UHIC"), United HealthCare Services, Inc. ("UHS"), UMR, Inc. ("UMR"), Sierra Health and Life Insurance Co., Inc. ("SHL"), and Health Plan of Nevada, Inc. ("HPN") (collectively "Defendants"), by and through their attorneys, object to Plaintiffs' Proposed Order Approving Plaintiff's Motion for Attorneys' Fees ("Proposed Order") because the Proposed Order includes findings that were not raised before the Court. The sole basis for the award of attorneys' fees was Plaintiffs' Prompt Pay Act claim. That claim is susceptible to reversal on appeal and Plaintiffs now seek to insert a finding into the Court's Order that the fee award is also justified under NRS 18.010, which requires a showing that the Defendants maintained a frivolous defense. Should the Court be inclined to enter Plaintiffs' Order as written, Defendants would request a hearing on this important issue, as allowing Plaintiffs' current version of the order to stand would be akin to a finding that Defendants' counsel has violated Rule 11-something the Court has never found in this case, and something Plaintiffs have never asserted.

## OBJECTION

Pursuant to NRCP 54(d)(2)(B)(ii), a party must move to obtain attorneys' fees by "specify[ing] the judgment and the statute, rule or other grounds entitl[ing] the movant to the award." As discussed further below, Plaintiffs' motion specified just one statute that entitled them to an award of attorneys' fees:

The statute entitling the [Plaintiffs] to an award of attorneys [sic] fees is NRS 683A.0879(5), which states: . . .

Plaintiffs' Motion for Attorneys' Fees at 5:8-14 (citing NRCP 54(d)(2)(B)(ii)). Plaintiffs' Motion for Attorneys' Fees did not "specify" NRS 18.010 as a basis to award attorneys' fees. Likewise, Plaintiffs never mentioned NRS 18.010 during oral argument.

By their Proposed Order, however, Plaintiffs ask the Court to issue written findings and conclusions regarding NRS 18.010. Doing so would exceed the scope of the arguments raised in the briefing and at oral argument, violating NRCP 54(d)(2)(B)(ii). Defendants specifically object to the inclusion of Paragraph 14 of Plaintiffs' Proposed Order, which states as follows:

> 14. A party can prevail under NRS 18.010 if it succeeds on any significant issue in litigation which achieves some of the benefit it sought in bringing the suit, counterclaim, or motion. Blom v. Floodsuckers, LLC, 3:12-cv$570-\mathrm{RCJ}-W G C, 2013$ WL 3463260 (D. Nev. July 9, 2013) (citing Valley Elec. Ass'n v. Overfield, 121 Nev. 7, 10, 106 P.3d 1198, 1200 (2005)). The Supreme Court of Nevada has held that "‘a] plaintiff may be considered the prevailing party for attorney's fee purposes if it succeeds on any significant issue in litigation which achieves some of the benefit is sought in bringing the suit." Hornwood v. Smith's Food King, 105 Nev. $188,192,772$ P. 2 d 1284 (1989). Courts have stated that the term "prevailing party" is a legal term of art which Black's Law Dictionary 1145 (7th ed. 1999) defines as "‘[a] party in whose favor a judgment is rendered, regardless of the amount of damages awarded ..." Cleverley v. Ballantyne, 2:12-CV-00444-GMN-GWF, 2014 WL 317775, at *3 (D. Nev. Jan. 28, 2014) (citing Buckhannon Bd.v. West Virginia D.H.H.R., 532 U.S. 598, 603, 121 S. Ct. 1835, 1839 (2001)).

Paragraph 14 purports to offer findings under NRS 18.010 as a separate basis for an award of attorneys' fees. However, Plaintiffs did not address NRS 18.010, or the case law contained in Paragraph 14, in their Motion for Attorneys' Fees or their Reply brief. Indeed, Plaintiffs' Motion specifically argued that:

> The Nevada Insurance Code, in particular the Nevada Prompt Pay Act, entitles the Health Care Providers to be awarded their attorneys fees which were incurred and are to be examined by this Court for reasonableness.

Plaintiffs' Motion for Attorneys' Fees at 2:8-11 (emphasis added); id. 5:8-14 (citing NRCP 54(d)(2)(B)(ii)). And Plaintiffs' oral argument mirrored their briefing. At the hearing on this Motion, Joseph Ahmad acknowledged and argued that Plaintiffs were moving for a fee award specifically under the Prompt Pay Act:

THE COURT: Okay. So let's talk about fees and costs.

MR. AHMAD: Thank you, Your Honor. Obviously, it's the Health Care Providers motion for fees and costs, specifically under the Prompt Pay Act.
[W]e are the prevailing parties and therefore are entitled to fees under the Prompt Pay Act.

Transcript at 7:13-16; 7:23-25 (emphasis added). At no time did Mr. Ahmad mention or rely on NRS 18.010. Additionally, Defendants argued at the hearing that Plaintiffs relied solely on the prompt pay act for a fee award, and Plaintiffs did not challenge the same:

I think it's conceded by plaintiffs that the sole basis for a potential fee award would be the fact that they prevail on the Prompt Pay claim.
...


#### Abstract

And then finally, Your Honor, just briefly, I will mention, you know, we contended that the Court should apportion the fees since the only statute they are relying on for the fee award is the Prompt Pay claim.


Transcript at 15:16-18; 32:7-10.
Nor would an award under NRS 18.010 be available to Plaintiffs here. Pursuant to the statute, the court may make an allowance of attorney's fees:
(a) When the prevailing party has not recovered more than $\$ 20,000$; or
(b) Without regard to the recovery sought, when the court finds that the claim, counterclaim, cross-claim or third-party complaint or defense of the opposing party was brought or maintained without reasonable ground or to harass the prevailing party. The court shall liberally construe the provisions of this paragraph in favor of awarding attorney's fees in all appropriate situations. It is the intent of the Legislature that the court award attorney's fees pursuant to this paragraph and impose sanctions pursuant to Rule 11 of the Nevada Rules of Civil Procedure in all appropriate situations to punish for and deter frivolous or vexatious claims and defenses because such claims and defenses overburden limited judicial resources, hinder the timely resolution of meritorious claims and increase the costs of engaging in business and providing professional services to the public.

NRS 18.010. Neither provision applies here; subsection (a) requires than an award not exceed $\$ 20,000$, and under subsection (b), there has been no finding by the Court that the defenses in this matter were "brought or maintained without reasonable ground or to harass the prevailing party." See NRS 18.010(b). The express language of the statute does not support an award under
either provision, and Plaintiffs have otherwise failed to brief its applicability. Indeed, had Plaintiffs requested a fee award under NRS 18.010(b), such a request would have resulted in extensive briefing and argument. An award of fees under NRS 18.010(b) can only stand if the Court has found that counsel has violated NRCP 11, something the Court has never found here.

The sole basis for the award of attorneys' fees was the Prompt Pay Act (NRS 683A.0879(5)), and this Court must decline to issue an order that addresses legal arguments and factual findings that were not properly raised before it. See NRCP 54(d)(2)(B)(ii). For the reasons stated herein, Defendants request that this Court strike paragraph 14 from the Order Approving Plaintiffs' Motion for Attorneys' Fees. Alternatively, the Court should modify paragraph 14 to make clear that NRS 18.010 is not a basis for the award.

Dated this $26^{\text {th }}$ day of July, 2022.

## /s/ Colby L. Balkenbush

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## CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of July, 2022, a true and correct copy of the foregoing DEFENDANTS' OBJECTION TO PLAINTIFFS' PROPOSED ORDER APPROVING PLAINTIFFS' MOTION FOR ATTORNEYS' FEES was electronically filed/served on counsel through the Court's electronic service system pursuant to Administrative Order 14-2 and N.E.F.C.R. 9, via the electronic mail addresses noted below, unless service by another method is stated or noted:

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OPTIONS, INC., a Nevada corporation;
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Defendants.

Please take notice that the Order Approving Plaintiffs' Motion For Attorneys' Fees was entered on August 1, 2022, a copy of which is attached hereto.

Dated this $2^{\text {nd }}$ day of August, 2022.

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## CERTIFICATE OF SERVICE

I certify that I am an employee of McDonald Carano LLP, and that on this 2nd day of
August, 2022, I caused a true and correct copy of the foregoing NOTICE OF ENTRY OF
ORDER APPROVING PLAINTIFFS’ MOTION FOR ATTORNEYS’ FEES to be served via
this Court's Electronic Filing system in the above-captioned case, upon the following:
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Attornevs for Plaintiffs

## DISTRICT COURT CLARK COUNTY, NEVADA

FREMONT EMERGENCY SERVICES (MANDAVIA), LTD., a Nevada professional corporation; TEAM PHYSICIANS OF NEVADA-MANDAVIA, P.C., a Nevada professional corporation; CRUM, STEFANKO AND JONES, LTD. dba RUBY CREST EMERGENCY MEDICINE, a Nevada professional corporation,

Plaintiffs,
vs.
UNITED HEALTHCARE INSURANCE COMPANY, a Connecticut corporation; UNITED HEALTH CARE SERVICES INC., dba UNITEDHEALTHCARE, a Minnesota corporation; UMR, INC., dba UNITED MEDICAL RESOURCES, a Delaware corporation; SIERRA HEALTH AND LIFE INSURANCE COMPANY, INC., a Nevada corporation; HEALTH PLAN OF NEVADA, INC., a Nevada corporation,

Defendants.

Case No.: A-19-792978-B
Dept. No.: XXVII

ORDER APPROVING PLAINTIFFS' MOTION FOR ATTORNEYS' FEES

Hearing Date: June 29, 2022
Hearing Time: 10:00 a.m.

This matter came before the Court on June 29, 2022 on the Motion for Attorneys' Fees (the "Motion") filed by Plaintiffs Fremont Emergency Services (Mandavia), Ltd.; Team Physicians of Nevada-Mandavia, P.C.; Crum, Stefanko and Jones, Ltd. dba Ruby Crest Emergency Medicine (collectively the "Plaintiffs").

Pat Lundvall, McDonald Carano LLP; and Joe Ahmad, Jane Robinson, Kevin Leyendecker and Jason McManis, Ahmad, Zavitsanos, Anaipakos, Alavi \& Mensing, P.C., appeared on behalf the Plaintiffs.

Colby Balkenbush, Weinberg, Wheeler, Hudgins, Gunn \& Dial, LLC; Jeffrey E. Gordon, O’Melveny \& Myers LLP; and Dan Polsenberg Lewis Roca Rothgerber Christie LLP appeared on behalf of defendants United Healthcare Insurance Company; United Health Care Services Inc., dba UnitedHealthcare; UMR, Inc., dba United Medical Resources; Sierra Health And Life Insurance Company, Inc. and Health Plan Of Nevada, Inc. (collectively "Defendants").

The Court, having considered the Motion, the Defendants' Opposition, Plaintiffs' Reply, the evidence cited in the pleadings, the Court's background and familiarity with this matter, and the argument of counsel at the hearing on this matter, and good cause appearing, finds and orders ${ }^{\boldsymbol{\phi}}$ as follows:

1. The Motion was timely pursuant to NRCP 54(d)(2)(B)(i).
2. The contents of the Motion met the requirements of NRCP 54(d)(2)(B)(ii-v).
3. Each law firm retained by Plaintiffs worked on an agreed-upon hourly basis and the attorneys' fees sought were actually incurred and paid by the Plaintiffs.
4. Plaintiffs utilized a program known as CounselLink to review all invoices, including auditing such invoices for duplicative or redundant billing entries.
5. All invoices were submitted in accord with agreed-upon rates for agreed-upon timekeepers.
6. All invoices fell within the scope of the Plaintiffs' outside counsel guidelines.
7. After CounselLink reviewed each invoice, Plaintiffs' in-house counsel reviewed each invoice for accuracy and reasonableness as well as any comments generated by CounselLink before processing, adjusting as necessary and paying the invoice if the total amount invoiced was
less than $\$ 75,000$.
8. In instances where an invoice exceeded $\$ 75,000$, Plaintiffs employed a third-level of review by another in-house counsel before the invoice was ultimately submitted, adjusted as necessary and paid.
9. The Plaintiffs' chosen law firms, attorneys and paralegals possessed the requisite qualities, including ability, training, education, experience, professional standing and skill, necessary for this case.
10. The character of the work required by this case was extensive and complex in its difficulty, intricacy and importance.
11. The work performed by the attorneys and paralegals was required by this case.
12. The results achieved were successful and represent an exceptional result for the Plaintiffs.
13. Rule 54 of the Nevada Rules of Civil Procedure establishes the procedure for recovering attorneys' fees. Thomas v. City of N. Las Vegas, 122 Nev. 82, 94, 127 P.3d 1057, 106木ํ (2006) (stating that attorney fees may be provided for by statute, rule, or contract). These procedures require the Court to find that the party requesting attorneys' fees was the prevailing party.
14. A party can prevail under NRS 18.010(1) if it succeeds on any significant issue in litigation which achieves some of the benefit it sought in bringing the suit, counterclaim, or motion. Blom v. Floodsuckers, LLC, 3:12-cv-570-RCJ-WGC, 2013 WL 3463260 (D. Nev. July 9, 2013) (citing Valley Elec. Ass'n v. Overfield, 121 Nev. 7, 10, 106 P.3d 1198, 1200 (2005)). The Supreme Court of Nevada has held that "[a] plaintiff may be considered the prevailing party for attorney's fee purposes if it succeeds on any significant issue in litigation which achieves some of the benefit is sought in bringing the suit." Hornwood v. Smith's Food King, 105 Nev. 188, 192, 772 P.2d 1284 (1989). Courts have stated that the term "prevailing party" is a legal term of art which Black's Law Dictionary 1145 (7th ed. 1999) defines as ""[a] party in whose favor a judgment is rendered, regardless of the amount of damages awarded ..." Cleverley v. Ballantyne, 2:12-CV-00444-GMN-GWF, 2014 WL 317775, at *3 (D. Nev. Jan. 28, 2014) (citing Buckhannon Bd. v.

West Virginia D.H.H.R., 532 U.S. 598, 603, 121 S. Ct. 1835, 1839 (2001)).
15. Plaintiffs were the prevailing parties in this matter. The Court has entered judgment in their favor, including as a result of the jury's unanimous Special Verdict finding in favor of Plaintiffs on all claims tried, including their Prompt Pay Act cause of action (specifically NRS 683A.0879(5)). The Prompt Pay Act specifically provides: "A court shall award costs and reasonable attorneys fees to the prevailing party in an action brought pursuant to this section." Plaintiffs were the prevailing party under their Prompt Pay Act claims.
16. For the reasons discussed herein, generally the fees requested by Plaintiffs satisfy the reasonable factors or standards set forth in Brunzell v. Golden Gate Nat. Bank, 85 Nev .345 , 455 P.2d 31 (1969). Those standards for the Court's review for reasonableness include:

- the qualities of the advocate: his/[her] ability, his/[her] training, education, experience, professional standing, and skill;
- the character of the work to be done: its difficulty, its intricacy, its importance, time and skill required, the responsibility imposed and the prominence and character of the parties where they affect the importance of the litigation;
- the work actually performed by the lawyer: the skill, time, and attention given to the work; and
- the result: whether the attorney was successful and what benefits were derived.

Brunzell at 349, 455 P.2d at 33. The Nevada Supreme Court notes that while a district court may choose "any method rationally designed to calculate a reasonable amount" for an attorney fee award, the district court "must continue its analysis by considering" the Brunzell factors. Shuette v. Beazer Homes Holdings Corp., 121 Nev. 837, 864-65, 124 P.3d 530, 549 (2005).
17. No one Brunzell factor should predominate or be given undue weight as the Court evaluates the reasonableness of Plaintiffs' request for an award of attorneys' fees.
18. The Court studied every page of the invoices submitted by Plaintiffs and looked at number of issues, including hourly rates, who was doing the work, incremental billing times,
duplication of effort, block billing and redactions. The Court did look specifically to see if Plaintiffs' counsel was pyramiding services such that the lower rate services reflected the bulk of the time spent and the higher rate services reflected a minority of the time spent. As a result of such review, the Court found that 70 to 80 percent of the work was done at the lower level rates, leaving about 20 to 30 percent of the work done at the higher rates. Such evidence demonstrates Plaintiffs' counsel staffed and worked the case and issues in a reasonable and necessary fashion.
19. In reviewing the Plaintiffs' invoices, the Court considered its view of the defense proffered by the Defendants. In particular, Defendants put up the most impressive defense the Court has seen, including creating a record and raising every potential issue that had a possibility for appeal, and in some instances multiple times. The effect of that impressive defense, however, necessarily caused Plaintiffs to spend additional time and effort than would have otherwise been spent pursing the Plaintiffs' claims.
20. The Court notes that Defendants objected to the rates request by Plaintiffs on the basis that such rates do not reflect the prevailing rates in southern Nevada. The Court disagrees.
21. The rates requested by Plaintiffs reflect the prevailing rates in Las Vegas for $\check{\sim}$ number of reasons. First, the rates requested compare favorably to the rates charged by Nevada attorneys of comparable skill, experience, reputation and work on similarly complex cases. A review of available other attorneys' applications or orders thereon for reimbursement of attorneys' fees in other sophisticated and complex cases also reveals that the rates at issue herein are more than reasonable. Comparable lead attorneys, practicing in cases of comparable sophistication and complexity, are known to have charged the following rates:

- Jim Pisanelli
\$650 (2015 rates) - \$1,000 ${ }^{1}$
- Todd Bice
\$650 (2015 rates) - \$1,000 ${ }^{2}$

1 See Wynn Resorts Ltd. v. Okada et. al., Case No. A-12-656710-B, Declaration of James J. Pisanelli Esq. In Support of the Award of Attorneys Fees Related to the Wynn Parties' Motion for Sanctions for Violations of the Protective Order (Jan. 7, 2016).
2 See Wynn Resorts Ltd. v. Okada et. al., Case No. A-12-656710-B, Declaration of James J. Pisanelli Esq. In Support of the Award of Attorneys Fees Related to the Wynn Parties' Motion for Sanctions for Violations of the Protective Order (Jan. 7, 2016).

- Dennis Kennedy $\$ 1,000^{3}$
- Dan Polsenberg $\$ 785^{4}$
- Debra Spinelli
$\$ 550$ (2015 rates) - $\$ 750^{5}$
- Colby Williams
$\$ 750^{6}$
- Donald Campbell
$\$ 750^{7}$

22. Moreover, district court judges both in state court and federal court, evaluating the Plaintiffs' law firm's attorneys fee applications have found rates comparable to the partners, associates and paralegal rates at issue in this case to be reasonable on other of their cases. See for example, Pardee Homes of Nev. Corp. v. AGRW-Canyons, LLC, No. 2:16-cv-01952-JAD-PAL, 2018 WL 10455160, at *4 (D. Nev. Mar. 27, 2018)("Lundvall declares that her hourly rate during this case was $\$ 625 \ldots$. I find that Pardee has demonstrated that the billing rates for the one partner (\$625) and three associate attorneys (\$300, \$275 and \$235) who worked on this case are reasonable."); Winecup Gamble Inc. v. Gordon Ranch LP, No. 3:17-CV-00163-RJC-WCG, 2020 U.S. Dist. LEXIS 23380, at *13 (D. Nev. Feb. 8, 2021)("The Court finds that the hourly rates charged by Defendant's counsel [Lundvall \$625-\$675, Rory Kay \$300-\$350, Diane Welchs \$350] were largely customary. Plaintiff contends that Ms. Lundvall's hourly rate which averagedf

## $3 \quad$ Personal knowledge.

4 See Boca Park Marketplace Syndications Grp., LLC v. Ross Dress for Less, Inc., No. 02:16-CV-1197-RFB-PAL, 2020 WL 2892586, at *3 (D. Nev. May 31, 2020) (granting a motion for attorney fees at the rate of $\$ 750$ per hour for attorney Dan Polsenberg); see also, Affidavit of John E. Bragonje In Support of Lewis and Roca Motion for Attorney Fees and Cost, at 4-5, Boca Park, 2020 WL 2892586, ECF No. 157-9 (listing the following rates for its supporting attorneys and paralegals: Partner Dan Polsenberg - \$785, Partner Schaffer - \$550, Partner Bragonje - \$445, Partner Henriod - \$485, Partner Fountain - \$470, Associate Thorpe - \$295, Associate Brantley Lomeli - \$295, Associate Foley - \$295, Paralegal Helm - \$140).
5 See Wynn Resorts Ltd. v. Okada et. al., Case No. A-12-656710-B, Declaration of James J. Pisanelli Esq. In Support of the Award of Attorneys Fees Related to the Wynn Parties' Motion for Sanctions for Violations of the Protective Order (Jan. 7, 2016).
$6 \quad$ See Mark Hunt v. Zuffa, LLC, 528 F. Supp. 3d 1180, 1188 (D. Nev. 2021) (granting a motion for attorney fees at the rate of $\$ 750$ per hour for attorney Colby Williams); see also, Declaration of J. Colby Williams, at *4, Hunt, 528 F. Supp. 3d 1188, ECF No. 193-1.
7 See Mark Hunt v. Zuffa, LLC, 528 F. Supp. 3d 1180, 1188 (D. Nev. 2021) (granting a motion for attorney fees at the rate of $\$ 750$ per hour for attorney Colby Williams); see also, Declaration of J. Colby Williams, at *4, Hunt, 528 F. Supp. 3d 1188, ECF No. 193-1.
$\$ 641$ was unreasonable but the Court disagrees ... this rate is reasonable based on the fact Ms. Lundvall has more than thirty years litigation experience in Nevada."); Pool v. Gail Wiley Landscaping, Inc., No. 3:16-CV-0019-HDM-VPC, 2017 WL 343640, at *1 (D. Nev. Jan. 23, 2017) ("It is customary for attorneys to bill an hourly rate for legal services provided . . . The Court finds both of these hourly rates [charged by a McDonald Carano LLP partner and associate] to be reasonable and comparable to hourly rates attorneys practicing before this court routinely charge."); Maiss v. Fitz, No. CV18-02309, 2020 Nev. Dist. LEXIS 139, at *6 (J. Egan Walker presiding) (McDonald Carano LLP's rates for partners, associates and paralegal found to be reasonable under Nevada standards and substantiated and therefore recoverable); WLNS Investments, LLC v. Fayad., No. A-20-813011-B, at **3 (Nev. Dist. Ct. Feb. 15, 2022, April 6, 2022 (J. Allf presiding) (twice, the Court awarded attorneys fees after specifically finding "[McDonald Carano LLP attorneys and paralegals] were charging below market rates [.]"); Aevoe Corp. v. Shenzhen Membrane Precise Electron Ltd., No. 2:12-CV-00054-GMN-PAL, 2012 WL 2244262, at *5 (D. Nev. June 15, 2012) ("The fees and costs charged by the McDonald Caranq Wilson law firm are the rates that reflect the customary rate charged to the firm's clients for similar' litigation, and are comparable to the rates charged by attorneys at similarly situated Nevada based firms. McDonald Carano Wilson has received national recognition as one of the top law firms in the country."); Saticoy Bay v. Tapestry at Town Center Homeowners Ass'n, No. A-19-789111-C, 2020 (J. Allf presiding) Nev. Dist. LEXIS 600, at **5-6 (Court found the rates charged by McDonald Carano LLP's attorneys and paralegals Ogilvie $\$ 550$, Sifers $\$ 275$ to be reasonable, awarding all requested fees and costs); Signature Fin. LLC v. Nisley, No. A-18-785296-C ( Nev. Dist. Ct. Oct. 17, 2019 (J. Bare, presiding) (order granting attorney fees based on rates charged by McDonald Carano LLP's attorneys Ryan Works (\$550) and Amanda Perach (\$400) and paralegal Brian Grubb (\$185) found to be reasonable and awarded); ACS Primary Care Physicians Sw. PA v. Molina Healthcare of Texas Inc., No. 2017-77084, (Tex. Dist. Ct. December 11, 2021) (J. Rabeea S. Collier presiding) (judgment awarded reasonable attorneys and paralegal fees sought by the law firm of Ahmad Zavitsanos Anaipakos Alavi \& Mensing P.C. ("AZA") at the following rates: Zavitsanos $\$ 750$, Robinson $\$ 595$, Leyendecker $\$ 595$, Killingsworth $\$ 320$, Liao $\$ 320$, Peter $\$ 250$,

Flores \$250, Rivers \$250).
23. Defendants concede, as they must, that the "Court may also rely on its own familiarity with the rates in the community to analyze those sought in the pending case." Opposition 5:23-25, citing United Steelworkers of Am. v. Phelps Dodge Corp., 896 F.2d 403, 407 (9th Cir. 1990). In that regard the Court has previously found the following rates to be reasonable for the Plaintiffs' Nevada law firm: Saticoy Bay v. Tapestry at Town Center Homeowners Ass'n, , No. A-19-789111-C, 2020 (J. Allf presiding) Nev. Dist. LEXIS 600, at **5-6 (court found the rates charged by McDonald Carano LLP's attorneys and paralegals (Ogilvie \$550, Sifers \$275) to be reasonable, awarding all requested fees and costs); WLNS Investments, LLC v. Fayad., No. A-20-813011-B, at **3 Nev. Dist. Ct. Feb. 15, 2022, April 6, 2022 (J. Allf presiding) ) (twice this Court awarded attorneys fees after specifically finding "[McDonald Carano LLP attorneys and paralegals] were charging below market rates[.]"). The Court specifically finds the rates charged by Plaintiffs' attorneys and paralegals to be both prevailing and reasonable.
24. Defendants object to counsel's intermittent use of block billing and contend that Nevada prohibits block billing. The Court disagrees.
25. Nevada's seminal case for evaluating requests for attorneys' fees is Brunzell. Under Brunzell, the guiding principle is always the reasonableness of the attorney's fees requested rather than any specific method or approach in reaching that result. See Haley v. Dist. Ct., 128 Nev. Advance. Op. 16, 273 P.3d 855, 860 (2012) (noting the Court's analysis may include "any method rationally designed to calculate a reasonable amount, so long as the requested amount is reviewed in light of the factors set forth in Brunzell.").
26. Instead of analyzing Brunzell, Defendants suggest the Court should reduce the requested attorneys fees by $70 \%$ because the Ninth Circuit disapproves of block billing, which Plaintiffs' counsel used on a portion of the invoices in this case. Opposition 14:14-22:8. In arguing this, Defendants exclusively rely on Ninth Circuit cases, particularly Welch v. Metro Life, Ins. Co. and Lahiri v. Universal Music \& Video Distribution Corp. See 480 F.3d 942 (9th Cir. 2007) and 606 F.3d 1216 (9th Cir. 2010), respectively.
27. But Welch and Lahiri are not Nevada cases and thus have no application to the

Court's analysis under Brunzell or other cases from the Nevada Supreme Court. In both Welch and Lahiri, the Ninth Circuit noted that the trial courts in those cases relied on a report from the California State Bar's Committee on Mandatory Fee Arbitration in concluding block billing was inappropriate for those cases. See 480 F.3d at 948 ; 606 F.3d at 1222-23. Although the California State Bar's reports may be given deference in California actions, they are not due such deference in Nevada actions. Of note, Defendants did not present the Court with the California State Bar's report, and thus neither the parties nor the Court can test the report's conclusions or methodology. Simply put, Welch and Lahiri's reliance on the California State Bar report has no application to this case.
28. Instead, what does have application to this case is the Nevada Supreme Court's holding that "block-billed time entries are generally amenable to consideration under the Brunzell factors, and a district court must consider block-billed time entries when awarding attorney's fees." In re Margaret Mary Adams 2006 Trust, No. 6710, 2015 WL 1423378 at *2 (Mar. 26, 2015) (internal citations omitted); see also Branch Banking, 2016 WL 4644477 at *5 (quoting In rat Margaret in allowing recovery for block billed attorney's fees). Thus, only "where a district cour $\dot{\bar{\circ}}$ determines that none of the task entries comprising the block billing were necessary or reasonable may a district court categorically exclude all of the block-billed time entries." In re Margaret, No. 6710, 2015 WL 1423378 at *2 (emphasis added).
29. Here, counsel's time entries are all capable of analysis under Brunzell, and the billing descriptions are more than sufficient to justify an award of reasonable attorney's fees. Nevada caselaw required Defendants to identify any block-billed entry in which none of the task entries were allegedly unnecessary or unreasonable. In this regard, Defendants did not bring a single one to the Court's attention. Therefore, the Court may not categorically exclude any of the block-billed entries either in whole or in part.
30. Put simply, although some jurisdictions may criticize block billing, the Court's review of the invoices in question, and the periodic use of block billing, did not preclude an analysis of the reasonableness or necessity of the tasks performed. Consequently, under Brunzell, there is no basis to reduce the Plaintiffs' fee request due to the use of block billing.
31. Nevada law is clear that apportionment is not required or mandatory and the Court does not abuse its discretion to award all fees or costs requested when the facts and claims founded upon those facts are too intertwined to separate and assign to separate claims. Mayfield $v$. Koroghli, 124 Nev. 343, 353, 184 P.3d 362, 369 (2008) (citing Abdallah v. United Savings Bank, 43 Ca. App. $4^{\text {th }} 1101$, 51 Cal Rptr. 286, 293 (1996), and concluding apportionment is not mandatory if the claims are too intertwined to separate).
32. Here, Plaintiffs sought discovery on and tried their case on a single set of facts. Those facts supported multiple legal theories - including the imposition of punitive damages. But no one fact was solely applicable to one claim versus another. All were inextricably intertwined. Defendants made no effort to apportion any of the requested fees.
33. The factual predicate to all claims for which discovery was sought and for all claims tried was so inextricably intertwined that it would be impossible to separate and assign some attorneys' fees to some claims but not to others
34. In light of the extensive review conducted by the Court of the Plaintiffs' invoices, the prevailing rates discussed herein, the defense put forth both before and during and after the trial, the complexity and uniqueness of the case, the quality of the lawyering, the rigorous nature of the trial and the results obtained, the full $\$ 12,683,044.41$ in attorneys' fees requested by Plaintiffs, including the rates requested for each of the timekeepers involved, is reasonable under the circumstances.
35. However, in light of the number of timekeepers involved and the few instances where the Court found the time invoiced was a little too sparsely described, a reduction of $10 \%$ in the amount of requested attorneys' fees is appropriate.
36. Consequently, the sum of $\$ 11,414,739.97$ reflects the reasonable and necessary fees incurred by Plaintiffs and the Court awards and orders Defendants pay such amount in addition to the amounts awarded Plaintiffs in the previously entered Final Judgment.
37. Finally, the Court notes that after filing the Motion, Plaintiffs filed a Notice of Supplemental Fees together with a supporting Affidavit. The Court intends to take up that Notice and the supplemental request for fees in due course after Defendants have had an opportunity to
file a response thereto.

## ORDER

## IT IS SO ORDERED.

Dated this 1st day of August, 2022

Submitted by:

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## CSERV

Fremont Emergency Services
(Mandavia) Ltd, Plaintiff(s)
vs.
United Healthcare Insurance
Company, Defendant(s)

## AUTOMATED CERTIFICATE OF SERVICE

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

Service Date: 8/1/2022
CASE NO: A-19-792978-B
DEPT. NO. Department 27

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## DISTRICT COURT

## CLARK COUNTY, NEVADA

FREMONT EMERGENCY SERVICES (MANDAVIA), LTD., a Nevada professional corporation; TEAM PHYSICIANS OF NEVADA-MANDAVIA, P.C., a Nevada professional corporation; CRUM, STEFANKO AND JONES, LTD. dba RUBY CREST EMERGENCY MEDICINE, a Nevada professional corporation,

Plaintiffs,
vs.
UNITED HEALTHCARE INSURANCE

Case No.: A-19-792978-B
Dept. No.: 27

NOTICE OF ENTRY OF ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS' MOTION TO RETAX COSTS

COMPANY, a Connecticut corporation; UNITED
HEALTH CARE SERVICES INC., dba UNITEDHEALTHCARE, a Minnesota corporation; UMR, INC., dba UNITED MEDICAL RESOURCES, a Delaware corporation; SIERRA HEALTH AND LIFE INSURANCE COMPANY, INC., a Nevada corporation; HEALTH PLAN OF NEVADA, INC., a Nevada corporation,

Defendants.

YOU WILL PLEASE TAKE NOTICE that an Order Granting In Part and Denying In
Part Defendants' Motion To Retax Costs was filed July 28, 2022, in the above-captioned matter.
A copy is attached hereto.
Dated this 2nd day of August, 2022.
/s/Brittany M. Llewellyn
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## CERTIFICATE OF SERVICE

I hereby certify that on the 2 nd day of August, 2022, a true and correct copy of the foregoing NOTICE OF ENTRY OF ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS' MOTION TO RETAX COSTS was electronically filed/served on counsel through the Court's electronic service system pursuant to Administrative Order 14-2 and N.E.F.C.R. 9, via the electronic mail addresses noted below, unless service by another method is stated or noted:

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UNITED HEALTHCARE INSURANCE COMPANY, a Connecticut corporation; UNITED HEALTH CARE SERVICES INC., dba UNITEDHEALTHCARE, a Minnesota corporation; UMR, INC., dba UNITED MEDICAL RESOURCES, a Delaware corporation; SIERRA HEALTH AND LIFE INSURANCE COMPANY, INC., a Nevada corporation; HEALTH PLAN OF NEVADA, INC., a Nevada corporation, Defendants.
Defendants UnitedHealthcare Insurance Company; United HealthCare Services, Inc.; UMR, Inc.; Sierra Health and Life Insurance Company, Inc.; and Health Plan of Nevada, Inc. (collectively "Defendants") Motion to Retax Costs (the "Motion") came before the Court on June 29, 2022. Colby L. Balkenbush of Weinberg, Wheeler, Hudgins, Gunn \& Dial, LLC, Jeffrey E. Gordon of O'Melveny \& Myers LLP, and Daniel F. Polsenberg of Lewis Roca Rothgerber Christie LLP appeared on behalf of Defendants. Pat K. Lundvall of McDonald Carano LLP and P. Kevin Leyendecker, Jane Robinson, Jason S. McManis, and Joseph Y. Ahmad of Ahmad, Zavitsanos \& Mensing appeared on behalf of Plaintiffs Fremont Emergency Services (Mandavia), Ltd.; Team Physicians of Nevada-Mandavia, P.C. ("Team Physicians"); Crum, Stefanko and Jones, Ltd. dba Ruby Crest Emergency Medicine ("Ruby Crest") (collectively the "Plaintiffs").
The Court, having considered Defendants' Motion, the Plaintiffs' Opposition, and the arguments of counsel at the hearing on this matter, and good cause appearing, finds and orders as follows:
THE COURT FINDS that Plaintiffs are entitled to costs as the prevailing parties pursuant to NRS 18.110, the Court's March 9, 2022 Judgment and 18.020(3), as they sought recovery of money or damages in excess of $\$ 2,500$ in this action.
THE COURT FURTHER FINDS that the Health Care Providers Verified Memorandum of Costs was timely submitted pursuant to NRS 18.110(1).
THE COURT FURTHER FINDS that NRS 18.110(1) provides that a party seeking costs must provide a memorandum of costs setting forth the recoverable costs that have been necessarily incurred. A party seeking costs bears the burden of establishing that the claimed costs are
reasonable as well as demonstrating how the fees were necessary to and incurred in the present action. The Cadle Company v. Woods \& Erickson, LLP, 131 Nev. 114, 120, 345 P.3d 1049, 1054 (2015). NRS 18.005 sets forth and defines the costs that are recoverable.

THE COURT FURTHER FINDS that each requested cost in the Health Care Providers Verified Memorandum of Costs is authorized by NRS 18.005 , except as provided herein.

THE COURT FURTHER FINDS NRS 18.110(4) provides that an adverse party may move the Court to retax and settle the costs contained in a Memorandum of Costs.

THE COURT FURTHER FINDS that it has the discretion to determine the allowable costs under NRS 18.020.

THE COURT FURTHER FINDS that, with regard to costs submitted for parking fees and parking tickets, these costs are not recoverable under NRS 18.005.

THE COURT FURTHER FINDS that with regard to costs of $\$ 22,938.40$ submitted for "business meals" under $18.005(17)$, the recoverable costs are limited to $\$ 5,734.60$.

THE COURT FURTHER FINDS that, with regard to travel, costs for first class airline tickets are not reasonable and necessary under NRS 18.005(15). All first class flight costs shall be reduced to what the price of a coach ticket would have been, amounting to a total reduction of $\$ 959.69$.

THE COURT FURTHER FINDS that, with regard to lodging, hotel costs exceeding a total nightly rate of $\$ 325.00$ shall be reduced and billed at the Circa rate of $\$ 325.00$ /night. Meals billed as "travel" costs are to be reduced by fifty percent ( $50 \%$ ). Parking billed as "travel" is to be deducted, as these costs are not recoverable under NRS 18.005. Plaintiffs' travel and lodging expenses are therefore reduced by $\$ 89,421.83$ to $\$ 269,178.54$.

THE COURT FURTHER FINDS that, with regard to Plaintiffs' request for expert witness fees under NRS $18.005(5)$ in the amount of $\$ 264,050.83$, good cause exists for reducing the requested amount by twenty percent (20\%), for a total reduction of $\$ 52,810.16$, to $\$ 211,240.67$ in recoverable costs

THE COURT FURTHER FINDS that, with regard to E-discovery fees, such fees will be allowed under 18.005(17), due to the circumstances of the case and the necessity to process a large
amount of information in a short amount of time.
HE COURT FURTHER FINDS after review that the costs for photocopies, $\$ 10,788.90$ for McDonald Carano and \$50,714.32 for Ahmad, Zavitsanos, Anaipakos, Alavi \& Mensing P.C., indicated on the record on June 29, 2022, were incorrect, as they reflected an amount exceeding the one requested in the Memorandum of Costs submitted by Pat Lundvall.

THE COURT FURTHER FINDS after sua sponte review of the Motion to Retax, that the amount requested by Plaintiff for photocopies, in the amount of $\$ 46,304.27$, is hereby DEDUCTED from the total costs requested.

## ORDER

IT IS HEREBY ORDERED that Defendants' Motion to Retax is GRANTED IN PART and DENIED IN PART for the reasons stated on the record, thereafter in the Court's Order Amending Oral Ruling Granting Defendants' Motion to Retax and in this written Order.

IT IS FURTHER ORDERED THAT Plaintiffs costs are retaxed, with total costs allowed as follows:

| COST TYPE | ALLOWED |
| :--- | ---: |
| NRS 18.005(1). Clerk's Fees | $\$ 6,742.19$ |
| NRS 18.005(2). Reporters' fees for depositions, including a <br> reporter's fee for one copy of each deposition. | $\$ 139,941.94$ |
| NRS 18.005(3). Jurors' fees and expenses, together with reasonable <br> compensation of an officer appointed to act in accordance with NRS <br> 16.120. | $\$ 7,035.93$ |
| NRS 18.005(4). Fees for witnesses at trial, pretrial hearings and <br> deposing witnesses | $\$ 1,517.00$ |
| NRS 18.005(5). Reasonable fees of not more than five expert <br> witnesses in an amount of not more than $\$ 1,500$ for each witness, <br> unless the court allows a larger fee after determining that the <br> circumstances surrounding the expert's testimony were of such <br> necessity as to require the larger fee. | $\$ 211,240.67$ |


| NRS 18.005(7). The fee of any sheriff or licensed process server for <br> the delivery or service of any summons or subpoena used in the <br> action. | $\$ 12,220.10$ |
| :--- | ---: |
| NRS 18.005(8). Compensation for the official reporter or reporter pro <br> tempore. | $\$ 35,502.12$ |
| NRS 18.005(12). Reasonable costs for photocopies. | $\$ 0$ |
| NRS 18.005(13). Reasonable costs for long distance telephone calls. |  |
| NRS 18.005(14). Reasonable costs for postage | $\$ 898.58$ |
| NRS 18.005(15). Reasonable costs for travel and lodging incurred <br> taking depositions and conducting discovery. | $\$ 9,381.67$ |
| NRS 18.005(17). Other expenses incurred in connection with the <br> action: | $\$ 269,178.54$ |
| E-Discovery Fees: $\$ 78,315.20$ <br> Courier Mileage Fees: $\$ 15,388.27$ <br> Pestlaw: $\$ 49,935.28$ <br> Recording Fees: $\$ 237.54$ <br> Business Meals: $\$ 5,734.60$ <br> Special Master: $\$ 15,350.00$ <br> NV State Bar Fees (pro hap): $\$ 11,419.88$ <br> Out of State Deposition Fees: $\$ 7,272.52$ <br> Videotaped Depositions: $\$ 6,183.00$ <br> Investigation Fees: $\$ 3,263.49$ | $\$ 193,099.78$ |
| Total Recoverable Costs | $\$ 886,758.52$ |

IT IS SO ORDERED.
Dated this 28th day of July, 2022
Nancy Allf
Hon. Nancy L. $\Delta$ af
6FA F87 725E 13D5
Nancy Elf
District Court Judge

Submitted by:
/s/Colby L. Balkenbush
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Approved as to form/content:
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## Bowman, Cindy S.

| From: | Kevin Leyendecker [kleyendecker@AZALAW.COM](mailto:kleyendecker@AZALAW.COM) |
| :--- | :--- |
| Sent: | Thursday, July 28, 2022 4:04 PM |
| To: | Balkenbush, Colby |
| Cc: | Pat Lundvall; Jason McManis; dpolsenberg@lewisroca.com |
| Subject: | RE: Proposed Order on Fees |

This Message originated outside your organization.

## thx

From: Balkenbush, Colby [CBalkenbush@wwhgd.com](mailto:CBalkenbush@wwhgd.com)
Sent: Thursday, July 28, 2022 6:04 PM
To: Kevin Leyendecker [kleyendecker@AZALAW.COM](mailto:kleyendecker@AZALAW.COM)
Cc: Pat Lundvall [plundvall@mcdonaldcarano.com](mailto:plundvall@mcdonaldcarano.com); Jason McManis [jmcmanis@AZALAW.COM](mailto:jmcmanis@AZALAW.COM); dpolsenberg@lewisroca.com
Subject: RE: Proposed Order on Fees

I am good with these changes. We will get this submitted. Thanks.

From: Kevin Leyendecker [klevendecker@AZALAW.COM](mailto:klevendecker@AZALAW.COM)
Sent: Thursday, July 28, 2022 3:26 PM
To: Balkenbush, Colby [CBalkenbush@wwhgd.com](mailto:CBalkenbush@wwhgd.com)
Cc: Pat Lundvall [plundvall@mcdonaldcarano.com](mailto:plundvall@mcdonaldcarano.com); Jason McManis [jmcmanis@AZALAW.COM](mailto:jmcmanis@AZALAW.COM);
dpolsenberg@lewisroca.com
Subject: RE: Proposed Order on Fees

This Message originated outside your organization.

## Couple of minor edits. If you make these, I'm good with your signing my name

## thx

From: Balkenbush, Colby [CBalkenbush@wwhgd.com](mailto:CBalkenbush@wwhgd.com)
Sent: Thursday, July 28, 2022 1:21 PM
To: Kevin Leyendecker [kleyendecker@AZALAW.COM](mailto:kleyendecker@AZALAW.COM)
Cc: Pat Lundvall [plundvall@mcdonaldcarano.com](mailto:plundvall@mcdonaldcarano.com); Jason McManis [imcmanis@AZALAW.COM](mailto:imcmanis@AZALAW.COM); dpolsenberg@lewisroca.com
Subject: RE: Proposed Order on Fees

Following up on this. May I attach your e-signature and submit the order?

## From: Balkenbush, Colby

Sent: Tuesday, July 26, 2022 1:06 PM
To: Kevin Leyendecker [kleyendecker@AZALAW.COM](mailto:kleyendecker@AZALAW.COM)
Cc: Pat Lundvall [plundvall@mcdonaldcarano.com](mailto:plundvall@mcdonaldcarano.com); Jason McManis [imcmanis@AZALAW.COM](mailto:imcmanis@AZALAW.COM);

## CSERV

Fremont Emergency Services
(Mandavia) Ltd, Plaintiff(s)
vs.
United Healthcare Insurance
Company, Defendant(s)

## AUTOMATED CERTIFICATE OF SERVICE

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

Service Date: 7/28/2022
CASE NO: A-19-792978-B
DEPT. NO. Department 27

# DISTRICT COURT <br> CLARK COUNTY, NEVADA 

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## DISTRICT COURT

## CLARK COUNTY, NEVADA

FREMONT EMERGENCY SERVICES (MANDAVIA), LTD., a Nevada professional corporation; TEAM PHYSICIANS OF NEVADAMANDAVIA, P.C., a Nevada professional corporation; CRUM, STEFANKO AND JONES, LTD. dba RUBY CREST EMERGENCY MEDICINE, a Nevada professional corporation,

Plaintiffs,
vs.

Case No.: A-19-792978-B
Dept. No.: 27
Amended Notice of Appeal

UNITED HEALTHCARE INSURANCE COMPANY, a Connecticut corporation; UNITED HEALTH CARE SERVICES INC., dba UNITEDHEALTHCARE, a Minnesota corporation; UMR, INC., dba UNITED MEDICAL RESOURCES, a Delaware corporation; SIERRA HEALTH AND LIFE INSURANCE COMPANY, INC., a Nevada corporation; HEALTH PLAN OF NEVADA, INC., a Nevada corporation,

Defendants.

## AMENDED NOTICE OF APPEAL

Please take notice that defendants United Healthcare Insurance Company ("UHIC"), United Health Care Services Inc. ("UHS", which does business as UnitedHealthcare or "UHC" and through UHIC), UMR, Inc. ("UMR"), Sierra Health and Life Insurance Company ("SHL"), and Health Plan of Nevada, Inc. ("HPN") hereby appeal to the Supreme Court of Nevada from:

1. All judgments and orders in this case;
2. "Judgment," filed on March 9, 2022, notice of entry of which was served electronically on March 9, 2022 (Exhibit A);
3. "Order Denying Defendants’ Motion for Remittitur and to Alter or Amend the Judgment," filed on July 18, 2022, notice of entry of which was served electronically on July 19, 2022 (Exhibit B);
4. "Order Granting in Part and Denying in Part Defendants' Motion to Retax Costs," filed on July 28, 2022, notice of entry of which was served electronically on August 2, 2022 (Exhibit C);
5. "Order Approving Plaintiffs' Motion for Attorneys’ Fees," filed on August 1, 2022, notice of entry of which was served electronically on August 2, 2022 (Exhibit D); and
6. All rulings and interlocutory orders made appealable by any of the foregoing.

Dated this 15th day of August, 2022.
/s/ Abraham G. Smith

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Attorneys for Defendants

## Certificate of Service

I hereby certify that on the 15 th day of August, 2022, a true and correct copy of the foregoing "Amended Notice of Appeal" was electronically filed/served on counsel through the Court's electronic service system pursuant to Administrative Order 14-2 and N.E.F.C.R. 9, via the electronic mail addresses noted below, unless service by another method is stated or noted:

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Attorneys for Plaintiffs
/s/ Cynthia Kelley
An employee of Lewis Roca Rothgerber Christie Llp

## EXHIBIT A



Please take notice than a Judgement was entered on March 9, 2022, a copy of which is attached hereto.

DATED this $9^{\text {th }}$ day of March, 2022.

## McDONALD CARANO LLP

By: /s/ Kristen T. Gallagher
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Attorneys for Plaintiffs Fremont Emergency
Services (Mandavia), Ltd., Team Physicians
of Nevada-Mandavia, P.C. \& Crum, Stefanko and Jones, Ltd. dba Ruby Crest Emergency Medicine

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on this 9th day of March, 2022, I caused a true and correct copy of the foregoing NOTICE OF ENTRY OF JUDGMENT to be served via this Court's Electronic Filing system in the above-captioned case, upon the following:
D. Lee Roberts, Jr., Esq. Colby L. Balkenbush, Esq. Brittany M. Llewellyn, Esq.
Phillip N. Smith, Jr., Esq.
Marjan Hajimirzaee, Esq.
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/s/ Marianne Carter
An employee of McDonald Carano LLP

## JUDG

## DISTRICT COURT

CLARK COUNTY, NEVADA

FREMONT EMERGENCY SERVICES
(MANDAVIA), LTD., a Nevada professional corporation; TEAM PHYSICIANS OF NEVADA-MANDAVIA, P.C., a Nevada professional corporation; CRUM, STEFANKO AND JONES, LTD. dba RUBY CREST EMERGENCY MEDICINE, a Nevada professional corporation, Plaintiffs,
vs.
UNITED HEALTHCARE INSURANCE COMPANY, a Connecticut corporation; UNITED HEALTH CARE SERVICES INC., dba UNITEDHEALTHCARE, a Minnesota corporation; UMR, INC., dba UNITED MEDICAL RESOURCES, a Delaware corporation; SIERRA HEALTH AND LIFE INSURANCE COMPANY, INC., a Nevada corporation; HEALTH PLAN OF NEVADA, INC., a Nevada corporation,

Defendants.

Case No.: A-19-792978-B
Dept. No.: XXVII

## JUDGMENT

District Court Judge, presiding, and the issues having been duly tried and the jury having duly rendered its verdicts,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff Fremont Emergency Services (Mandavia) Ltd. recover a total of $\$ 23,169,133.81$ from the Defendants listed below, in the respective amounts listed below, with post-judgment interest thereon as provided by law from the date of written notice of this Judgment being entered until paid, together with its costs of action and attorneys' fees, if any, in amounts to be determined hereafter.

| Defendant | Actual <br> Damages | Prompt Pay <br> Damages | Punitive <br> Damages | Judgment |
| :--- | :--- | :--- | :--- | :--- |
| United Healthcare Insurance Company | $\$ 478,686.26$ | $\$ 157,046.68$ | $\$ 4,500,000$ | $\$ 5,135,732.94$ |
| United Health Care Services Inc. | $\$ 771,406.35$ | $\$ 251,359.37$ | $\$ 4,500,000$ | $\$ 5,522,765.72$ |
| UMR, Inc. | $\$ 168,949.51$ | $\$ 49,891.88$ | $\$ 2,000,000$ | $\$ 2,218,841.39$ |

Page 1

| Sierra Health and Life Insurance Company <br> Inc. | $\$ 1,007,374.49$ | $\$ 254,978.14$ | $\$ 5,000,000$ | $\$ 6,262,352.63$ |
| :--- | :--- | :--- | :--- | :--- |
| Health Plan of Nevada Inc. | $\$ 23,765.68$ | $\$ 5,675.45$ | $\$ 4,000,000$ | $\$ 4,029,441.13$ |

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff Team Physicians of Nevada-Mandavia P.C. recover a total of $\$ 20,111,844.85$ from the Defendants listed below, in the respective amounts listed below, with post-judgment interest thereon as provided by law from the date of written notice this Judgment being entered until paid, together with its costs of action and attorneys' fees, if any, in amounts to be determined hereafter.

| Defendant | Actual <br> Damages | Prompt Pay <br> Damages | Punitive <br> Damages | Judgment |
| :--- | :--- | :--- | :--- | :--- |
| United Healthcare Insurance Company | $\$ 42,803.36$ | $\$ 13,836.81$ | $\$ 4,500,000$ | $\$ 4,556,640.17$ |
| United Health Care Services Inc. | $\$ 40,607.19$ | $\$ 10,875.36$ | $\$ 4,500,000$ | $\$ 4,551,482.55$ |
| UMR, Inc. | $\$ 485.37$ | $\$ 137.83$ | $\$ 2,000,000$ | $\$ 2,000,623.20$ |
| Sierra Health and Life Insurance Company <br> Inc. | $\$ 1,783.85$ | $\$ 512.04$ | $\$ 5,000,000$ | $\$ 5,002,295.89$ |
| Health Plan of Nevada Inc. | $\$ 598.83$ | $\$ 204.21$ | $\$ 4,000,000$ | $\$ 4,000,803.04$ |

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff Crum Stefanko and Jones Ltd. dba Ruby Crest Emergency Medicine recover a total of \$20,148,895.30 from the Defendants listed below, in the respective amounts listed below, with post-judgment interest thereon as provided by law from the date of written notice of this Judgment being entered until paid, together with its costs of action and attorneys' fees, if any, in amounts to be determined hereafter.

| Defendant | Actual <br> Damages | Prompt Pay <br> Damages | Punitive <br> Damages | Judgment |
| :--- | :--- | :--- | :--- | :--- |
| United Healthcare Insurance Company | $\$ 32,972.03$ | $\$ 10,442.16$ | $\$ 4,500,000$ | $\$ 4,543,414.19$ |
| United Health Care Services Inc. | $\$ 69,447.39$ | $\$ 20,845.46$ | $\$ 4,500,000$ | $\$ 4,590,292.85$ |
| UMR, Inc. | $\$ 7,911.57$ | $\$ 2,353.04$ | $\$ 2,000,000$ | $\$ 2,010,264.61$ |
| Sierra Health and Life Insurance Company <br> Inc. | $\$ 3,438.63$ | $\$ 1,089.67$ | $\$ 5,000,000$ | $\$ 5,004,528.30$ |
| Health Plan of Nevada Inc. | $\$ 281.49$ | $\$ 113.87$ | $\$ 4,000,000$ | $\$ 4,000,395.36$ |


[^0]:    ${ }^{1}$ Defendants likewise maintain their objection to any attorneys' fees being awarded at all, as stated and addressed in Defendants' Renewed Motion for Judgment as a Matter of Law, and hereby incorporate those arguments herein.

[^1]:    ${ }^{2}$ Emphasis added.

[^2]:    ${ }^{9}$ This problem appears in January as well. Ahmad, Zavitsanos \& Anaipakos had multiple out of state attorneys prepare for and travel to Las Vegas-billing the whole travel time and trip-for a single hearing.

