

Case Nos. 85525 & 85656

In the Supreme Court of Nevada

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.

Electronically Filed
Apr 18 2023 10:51 PM
Elizabeth A. Brown
Clerk of Supreme Court

Case No. 85525

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.

Case No. 85656

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101	Recorder's Transcript of Hearing Motion for Leave to File Opposition to Defendants' Motion to Compel Responses to Second Set of Requests for Production on Order Shortening Time in Redacted and Partially Sealed Form	05/12/21	17	4155–4156
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92	Recorder's Transcript of Hearing Motion to Associate Counsel on OST	04/01/21	16	3981–3986

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483	Recorder's Transcript of Hearing re Hearing (Filed Under Seal)	10/13/22	142	35,259–35,263
346	Recorder's Transcript of Hearing Re: Hearing	09/22/22	72	17,951–17,972
359	Recorder's Transcript of Hearing Status Check	10/20/22	76	18,756–18,758
162	Recorder's Transcript of Jury Trial – Day 1	10/25/21	25 26	6127–6250 6251–6279
213	Recorder's Transcript of Jury Trial – Day 10	11/10/21	36 37	8933–9000 9001–9152
217	Recorder's Transcript of Jury Trial – Day 11	11/12/21	37 38	9185–9250 9251–9416
224	Recorder's Transcript of Jury Trial – Day 12	11/15/21	39 40	9522–9750 9751–9798
228	Recorder's Transcript of Jury Trial – Day 13	11/16/21	40 41	9820–10,000 10,001–10,115
237	Recorder's Transcript of Jury Trial – Day 14	11/17/21	42 43	10,314–10,500 10,501–10,617
239	Recorder's Transcript of Jury Trial – Day 15	11/18/21	43 44	10,624–10,750 10,751–10,946
244	Recorder's Transcript of Jury Trial – Day 16	11/19/21	44 45	10,974–11,000 11,001–11,241
249	Recorder's Transcript of Jury Trial – Day 17	11/22/21	46 47	11,273–11,500 11,501–11,593
253	Recorder's Transcript of Jury Trial – Day 18	11/23/21	47 48	11,633–11,750 11,751–11,907
254	Recorder's Transcript of Jury Trial – Day 19	11/24/21	48	11,908–11,956
163	Recorder's Transcript of Jury Trial – Day 2	10/26/21	26	6280–6485
256	Recorder's Transcript of Jury Trial – Day 20	11/29/21	48 49	12,000 12,001–12,034

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262	Recorder's Transcript of Jury Trial – Day 21	12/06/21	49	12,078–,12,135
266	Recorder's Transcript of Jury Trial – Day 22	12/07/21	49 50	12,153–12,250 12,251–12,293
165	Recorder's Transcript of Jury Trial – Day 3	10/27/21	27 28	6568–6750 6751–6774
166	Recorder's Transcript of Jury Trial – Day 4	10/28/21	28	6775–6991
196	Recorder's Transcript of Jury Trial – Day 5	11/01/21	30 31	7404–7500 7501–7605
197	Recorder's Transcript of Jury Trial – Day 6	11/02/21	31 32	7606–7750 7751–7777
201	Recorder's Transcript of Jury Trial – Day 7	11/03/21	32 33	7875–8000 8001–8091
210	Recorder's Transcript of Jury Trial – Day 8	11/08/21	34 35	8344–8500 8501–8514
212	Recorder's Transcript of Jury Trial – Day 9	11/09/21	35 36	8724–8750 8751–8932
27	Recorder's Transcript of Proceedings Re: Motions	04/03/20	4	909–918
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80	Recorder's Transcript of Proceedings Re: Motions	02/22/21	16	3757–3769
81	Recorder's Transcript of Proceedings Re: Motions	02/25/21	16	3770–3823
93	Recorder's Transcript of Proceedings Re: Motions	04/09/21	16 17	3987–4000 4001–4058
103	Recorder's Transcript of Proceedings Re: Motions	05/28/21	17	4166–4172
43	Recorder's Transcript of Proceedings Re: Motions (via Blue Jeans)	07/09/20	7	1591–1605

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45	Recorder's Transcript of Proceedings Re: Motions (via Blue Jeans)	07/23/20	7	1628–1643
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65	Recorder's Transcript of Proceedings Re: Motions (via Blue Jeans)	11/04/20	11 12	2745–2750 2751–2774
67	Recorder's Transcript of Proceedings Re: Motions (via Blue Jeans)	12/23/20	12	2786–2838
68	Recorder's Transcript of Proceedings Re: Motions (via Blue Jeans)	12/30/20	12	2839–2859
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109	Recorder's Transcript of Proceedings Re: Motions Hearing	06/23/21	17 18	4240–4250 4251–4280
113	Recorder's Transcript of Proceedings Re: Motions Hearing	07/29/21	18	4341–4382
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121	Recorder's Transcript of Proceedings Re: Motions Hearing (Unsealed Portion Only)	08/17/21	18 19	4498–4500 4501–4527
29	Recorder's Transcript of Proceedings Re: Pending Motions	05/14/20	4	949-972
51	Recorder's Transcript of Proceedings Re: Pending Motions	09/09/20	8	1933–1997
15	Rely in Support of Motion to Remand	06/28/19	2	276–308
124	Reply Brief on “Motion for Order to Show	09/08/21	19	4634–4666

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19	Reply in Support of Amended Motion to Remand	02/05/20	2 3	486–500 501–518
330	Reply in Support of Defendants’ Motion for Remittitur and to Alter or Amend the Judgment	06/22/22	70	17,374–17,385
57	Reply in Support of Defendants’ Motion to Compel Production of Clinical Documents for the At-Issue Claims and Defenses and to Compel Plaintiff to Supplement Their NRCP 16.1 Initial Disclosures	10/07/20	10	2337–2362
331	Reply in Support of Defendants’ Renewed Motion for Judgment as a Matter of Law	06/22/22	70	17,386–17,411
332	Reply in Support of Motion for New Trial	06/22/22	70	17,412–17,469
87	Reply in Support of Motion for Reconsideration of Order Denying Defendants’ Motion to Compel Plaintiffs Responses to Defendants’ First and Second Requests for Production	03/16/21	16	3895–3909
344	Reply in Support of Supplemental Attorney’s Fees Request	08/22/22	72	17,935–17,940
229	Reply in Support of Trial Brief Regarding Evidence and Argument Relating to Out-Of-State Harms to Non-Parties	11/16/21	41	10,116–10,152
318	Reply on “Defendants’ Rule 62(b) Motion for Stay Pending Resolution of Post-Trial Motions” (<i>on Order Shortening Time</i>)	04/07/22	68	16,832–16,836
245	Response to Plaintiffs’ Trial Brief Regarding Punitive Damages for Unjust Enrichment Claim	11/19/21	45 46	11,242–11,250 11,251–11,254

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230	Response to Plaintiffs' Trial Brief Regarding Specific Price Term	11/16/21	41	10,153–10,169
424	Response to Sur-Reply Arguments in Plaintiffs' Motion for Leave to File Supplemental Record in Opposition to Arguments Raised for the First Time in Defendants' Reply in Support of Motion for Partial Summary Judgment (Filed Under Seal)	10/21/21	109	26,931–26,952
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458	Second Supplemental Appendix of Exhibits to Motion to Seal Certain Confidential Trial Exhibits (Filed Under Seal)	01/05/22	126 127	31,309–31,393 31,394–31,500
231	Special Verdict Form	11/16/21	41	10,169–10,197
257	Special Verdict Form	11/29/21	49	12,035–12,046
265	Special Verdict Form	12/07/21	49	12,150–12,152
6	Summons – Health Plan of Nevada, Inc.	04/30/19	1	29–31
9	Summons – Oxford Health Plans, Inc.	05/06/19	1	38–41
8	Summons – Sierra Health and Life Insurance Company, Inc.	04/30/19	1	35–37
7	Summons – Sierra Health-Care Options, Inc.	04/30/19	1	32–34
3	Summons - UMR, Inc. dba United Medical Resources	04/25/19	1	20–22
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	110 111	27,383–27,393 27,394–27,400

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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	114 115	28,291–28,393 28,394–28,484
441	Supplemental Appendix of Exhibits to Motion to Seal Certain Confidential Trial Exhibits – Volume 3 of 18 (Filed Under Seal)	12/24/21	115 116	28,485–28,643 28,644–28,742
442	Supplemental Appendix of Exhibits to Motion to Seal Certain Confidential Trial Exhibits – Volume 4 of 18 (Filed Under Seal)	12/24/21	116 117	28,743–28,893 28,894–28,938
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	117 118	29,085–29,143 29,144–29,219
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	118 119	29,385–29,393 29,394–29,527
447	Supplemental Appendix of Exhibits to Motion to Seal Certain Confidential Trial Exhibits – Volume 9 of 18 (Filed Under Seal)	12/24/21	119 120	29,528–29,643 29,644–29,727
448	Supplemental Appendix of Exhibits to Motion to Seal Certain Confidential Trial	12/24/21	120 121	29,728–29,893 29,894–29,907

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449	Supplemental Appendix of Exhibits to Motion to Seal Certain Confidential Trial Exhibits – Volume 11 of 18 (Filed Under Seal)	12/24/21	121	29,908–30,051
450	Supplemental Appendix of Exhibits to Motion to Seal Certain Confidential Trial Exhibits – Volume 12 of 18 (Filed Under Seal)	12/24/21	121 122	30,052–30,143 30,144–30,297
451	Supplemental Appendix of Exhibits to Motion to Seal Certain Confidential Trial Exhibits – Volume 13 of 18 (Filed Under Seal)	12/24/21	122 123	30,298–30,393 30,394–30,516
452	Supplemental Appendix of Exhibits to Motion to Seal Certain Confidential Trial Exhibits – Volume 14 of 18 (Filed Under Seal)	12/24/21	123 124	30,517–30,643 30,644–30,677
453	Supplemental Appendix of Exhibits to Motion to Seal Certain Confidential Trial Exhibits – Volume 15 of 18 (Filed Under Seal)	12/24/21	124	30,678–30,835
454	Supplemental Appendix of Exhibits to Motion to Seal Certain Confidential Trial Exhibits – Volume 16 of 18 (Filed Under Seal)	12/24/21	124 125	30,836–30,893 30,894–30,952
455	Supplemental Appendix of Exhibits to Motion to Seal Certain Confidential Trial Exhibits – Volume 17 of 18 (Filed Under Seal)	12/24/21	125	30,953–31,122
456	Supplemental Appendix of Exhibits to Motion to Seal Certain Confidential Trial Exhibits – Volume 18 of 18 (Filed Under Seal)	12/24/21	125 126	30,123–31,143 31,144–31,258

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350	Transcript of Proceedings re Status Check	10/10/22	72 73	17,994–18,000 18,001–18,004
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	22 23	5339–5500 5501–5561
160	Transcript of Proceedings Re: Motions	10/22/21	24 25	5908–6000 6001–6115
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	127 128	31,597–31,643 31,644–31,650
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
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463	Transcript of Proceedings Re: Motions Hearing (Filed Under Seal)	02/10/22	128	31,673–31,793

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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)		142 143	35,264–35,393 35,394–35,445
362	Trial Exhibit D5502		76 77	18,856–19,000 19,001–19,143
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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258	Verdict(s) Submitted to Jury but Returned 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.

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IT IS SO ORDERED.

Dated this 9th day of March, 2022.

Dated this 9th day of March, 2022

Nancy L Allf

TW

519 56D 37C6 D5AF
Nancy Allf
District Court Judge

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CERTIFICATE OF SERVICE

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4 CLARK COUNTY, NEVADA

5
6 Fremont Emergency Services
7 (Mandavia) Ltd, Plaintiff(s)

CASE NO: A-19-792978-B

8 vs.

DEPT. NO. Department 27

9 United Healthcare Insurance
10 Company, Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

12
13 This automated certificate of service was generated by the Eighth Judicial District
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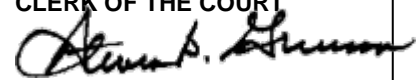
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DISTRICT COURT

CLARK COUNTY, NEVADA

FREMONT EMERGENCY SERVICES
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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

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

**NOTICE OF ENTRY OF ORDER
DENYING DEFENDANTS'
MOTION FOR REMITTITUR AND
TO ALTER OR AMEND THE
JUDGMENT**

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 19th day of July, 2022.

McDONALD CARANO LLP

By: /s/ Pat Lundvall

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CERTIFICATE OF SERVICE

I CERTIFY that I am an employee of McDonald Carano LLP, and on this 19th 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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CLARK COUNTY, NEVADA**

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corporation; TEAM PHYSICIANS OF
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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.3d at 601; *see also Canterino*, 117 Nev. at 24. The District Court has significant discretion in ruling upon a motion for remittitur. *Canterino*, 117 Nev. at 22. Indeed, on appeal, the Nevada Supreme Court will “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 “[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).

1 The reprehensibility factors considered are: 1) the type of the harm caused; 2) the indifference to
2 or a reckless disregard of the health or safety of others; 3) whether the target of the conduct is
3 financially vulnerability; 4) if the conduct involved repeated actions or was an isolated incident;
4 and 5) the harm was the result of intentional malice, trickery, or deceit, or mere accident. *Id.* at
5 1521, 538 US at 419. The existence of any one of these factors weighing in favor of a plaintiff
6 may not be sufficient to sustain a punitive damages award; and the absence of all of them renders
7 any award suspect. *Id.*

9 **COURT FURTHER FINDS** after review when defendants' actions were intentional and
10 repetitive, resulting in economic harm to plaintiffs, this can warrant an award of punitive damages.
11 *In Re USA Commercial Mortg. Co.*, 2013 WL 3944184 (D. Nevada 2013). When assessing
12 reprehensibility, the court can consider the risk of harm to others when the conduct at issue was
13 putting them at risk too. *Merrick v. Paul Revere Life Ins. Co.*, 594 F.Supp.2d 1168, 1186 (D. Nev.
14 2008). During the trial, evidence was presented that supported the jury's finding of repeated
15 wrongdoing, which harm was caused by oppression, intentional malice, and/or fraud.

17 **COURT FURTHER FINDS** after review and consideration of the entire record, that with
18 respect to the reprehensibility factors, the evidence supports the jury's decision on punitive
19 damages.

20 **COURT FURTHER FINDS** after review that "because there are no rigid benchmarks that
21 a punitive damages award may not surpass, ratios greater than those we have previously upheld
22 may comport with due process where a particularly egregious act has resulted in only a small
23 amount of economic damages The converse is also true, however. When compensatory
24 damages are substantial, then a lesser ratio, perhaps only equal to compensatory damages, can
25 reach the outermost limit of the due process guarantee." *Campbell*, 123 S.Ct. at 1524, 538 US at
26 424-25.
27
28

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 L Allf

TW

FB8 341 7820 8293
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 address(es) :

_____/s/_____
Karen Lawrence
Judicial Executive Assistant

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2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Fremont Emergency Services
7 (Mandavia) Ltd, Plaintiff(s)

CASE NO: A-19-792978-B

8 vs.

DEPT. NO. Department 27

9 United Healthcare Insurance
10 Company, Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

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

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DISTRICT COURT

CLARK COUNTY, NEVADA

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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 2nd 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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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.

Case No.: A-19-792978-B
Dept. No.: 27

**ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANTS'
MOTION TO RETAX COSTS**



1 UNITED HEALTHCARE INSURANCE
 2 COMPANY, a Connecticut corporation; UNITED
 3 HEALTH CARE SERVICES INC., dba
 4 UNITEDHEALTHCARE, a Minnesota
 5 corporation; UMR, INC., dba UNITED MEDICAL
 6 RESOURCES, a Delaware corporation; SIERRA
 7 HEALTH AND LIFE INSURANCE COMPANY,
 8 INC., a Nevada corporation; HEALTH PLAN OF
 9 NEVADA, INC., a Nevada corporation,

10 Defendants.

11 Defendants UnitedHealthcare Insurance Company; United HealthCare Services, Inc.;
 12 UMR, Inc.; Sierra Health and Life Insurance Company, Inc.; and Health Plan of Nevada, Inc.
 13 (collectively "Defendants") Motion to Retax Costs (the "Motion") came before the Court on June
 14 29, 2022. Colby L. Balkenbush of Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC, Jeffrey E.
 15 Gordon of O'Melveny & Myers LLP, and Daniel F. Polsenberg of Lewis Roca Rothgerber Christie
 16 LLP appeared on behalf of Defendants. Pat K. Lundvall of McDonald Carano LLP and P. Kevin
 17 Leyendecker, Jane Robinson, Jason S. McManis, and Joseph Y. Ahmad of Ahmad, Zavitsanos &
 18 Mensing appeared on behalf of Plaintiffs Fremont Emergency Services (Mandavia), Ltd.; Team
 19 Physicians of Nevada-Mandavia, P.C. ("Team Physicians"); Crum, Stefanko and Jones, Ltd. dba
 20 Ruby Crest Emergency Medicine ("Ruby Crest") (collectively the "Plaintiffs").

21 The Court, having considered Defendants' Motion, the Plaintiffs' Opposition, and the
 22 arguments of counsel at the hearing on this matter, and good cause appearing, finds and orders as
 23 follows:

24 **THE COURT FINDS** that Plaintiffs are entitled to costs as the prevailing parties pursuant
 25 to NRS 18.110, the Court's March 9, 2022 Judgment and 18.020(3), as they sought recovery of
 26 money or damages in excess of \$2,500 in this action.

27 **THE COURT FURTHER FINDS** that the Health Care Providers Verified Memorandum
 28 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



1 reasonable as well as demonstrating how the fees were necessary to and incurred in the present
2 action. *The Cadle Company v. Woods & Erickson, LLP*, 131 Nev. 114, 120, 345 P.3d 1049, 1054
3 (2015). NRS 18.005 sets forth and defines the costs that are recoverable.

4 **THE COURT FURTHER FINDS** that each requested cost in the Health Care Providers
5 Verified Memorandum of Costs is authorized by NRS 18.005, except as provided herein.

6 **THE COURT FURTHER FINDS** NRS 18.110(4) provides that an adverse party may
7 move the Court to retax and settle the costs contained in a Memorandum of Costs.

8 **THE COURT FURTHER FINDS** that it has the discretion to determine the allowable
9 costs under NRS 18.020.

10 **THE COURT FURTHER FINDS** that, with regard to costs submitted for parking fees
11 and parking tickets, these costs are not recoverable under NRS 18.005.

12 **THE COURT FURTHER FINDS** that with regard to costs of \$22,938.40 submitted for
13 "business meals" under 18.005(17), the recoverable costs are limited to \$5,734.60.

14 **THE COURT FURTHER FINDS** that, with regard to travel, costs for first class airline
15 tickets are not reasonable and necessary under NRS 18.005(15). All first class flight costs shall be
16 reduced to what the price of a coach ticket would have been, amounting to a total reduction of
17 \$959.69.

18 **THE COURT FURTHER FINDS** that, with regard to lodging, hotel costs exceeding a
19 total nightly rate of \$325.00 shall be reduced and billed at the Circa rate of \$325.00/night. Meals
20 billed as "travel" costs are to be reduced by fifty percent (50%). Parking billed as "travel" is to be
21 deducted, as these costs are not recoverable under NRS 18.005. Plaintiffs' travel and lodging
22 expenses are therefore reduced by \$89,421.83 to \$269,178.54.

23 **THE COURT FURTHER FINDS** that, with regard to Plaintiffs' request for expert
24 witness fees under NRS 18.005(5) in the amount of \$264,050.83, good cause exists for reducing
25 the requested amount by twenty percent (20%), for a total reduction of \$52,810.16, to \$211,240.67
26 in recoverable costs

27 **THE COURT FURTHER FINDS** that, with regard to E-discovery fees, such fees will be
28 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 reporter's fee for one copy of each deposition.	\$139,941.94
NRS 18.005(3). Jurors' fees and expenses, together with reasonable compensation of an officer appointed to act in accordance with NRS 16.120.	\$7,035.93
NRS 18.005(4). Fees for witnesses at trial, pretrial hearings and deposing witnesses	\$1,517.00
NRS 18.005(5). Reasonable fees of not more than five expert witnesses in an amount of not more than \$1,500 for each witness, unless the court allows a larger fee after determining that the circumstances surrounding the expert's testimony were of such necessity as to require the larger fee.	\$211,240.67



NRS 18.005(7). The fee of any sheriff or licensed process server for the delivery or service of any summons or subpoena used in the action.	\$12,220.10
NRS 18.005(8). Compensation for the official reporter or reporter pro tempore.	\$35,502.12
NRS 18.005(12). Reasonable costs for photocopies.	\$0
NRS 18.005(13). Reasonable costs for long distance telephone calls.	\$898.58
NRS 18.005(14). Reasonable costs for postage	\$9,381.67
NRS 18.005(15). Reasonable costs for travel and lodging incurred taking depositions and conducting discovery.	\$269,178.54
NRS 18.005(17). Other expenses incurred in connection with the action: E-Discovery Fees: \$78,315.20 Courier Mileage Fees: \$15,388.27 Westlaw: \$49,935.28 Parking: \$0 Recording Fees: \$237.54 Business Meals: \$5,734.60 Special Master: \$15,350.00 NV State Bar Fees (pro hac): \$11,419.88 Out of State Deposition Fees: \$7,272.52 Videotaped Depositions: \$6,183.00 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 L Alf
Hon. Nancy L. Alf

6FA F87 725E 13D5
Nancy Alf
District Court Judge



Submitted by:

Approved as to form/content:

/s/ Colby L. Balkenbush

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Bowman, Cindy S.

From: Kevin Leyendecker <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>
Sent: Thursday, July 28, 2022 6:04 PM
To: Kevin Leyendecker <kleyendecker@AZALAW.COM>
Cc: Pat Lundvall <plundvall@mcdonaldcarano.com>; Jason McManis <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 <kleyendecker@AZALAW.COM>
Sent: Thursday, July 28, 2022 3:26 PM
To: Balkenbush, Colby <CBalkenbush@wwhgd.com>
Cc: Pat Lundvall <plundvall@mcdonaldcarano.com>; Jason McManis <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>
Sent: Thursday, July 28, 2022 1:21 PM
To: Kevin Leyendecker <kleyendecker@AZALAW.COM>
Cc: Pat Lundvall <plundvall@mcdonaldcarano.com>; Jason McManis <jmcmanis@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>
Cc: Pat Lundvall <plundvall@mcdonaldcarano.com>; Jason McManis <jmcmanis@AZALAW.COM>;

1 **CSERV**

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5
6 Fremont Emergency Services
(Mandavia) Ltd, Plaintiff(s)

CASE NO: A-19-792978-B

7 vs.

DEPT. NO. Department 27

8
9 United Healthcare Insurance
Company, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12
13 This automated certificate of service was generated by the Eighth Judicial District
14 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:

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EXHIBIT D

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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.

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

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

**NOTICE OF ENTRY OF ORDER
APPROVING PLAINTIFFS' MOTION
FOR ATTORNEYS' FEES**

1 OPTIONS, INC., a Nevada corporation;
 2 HEALTH PLAN OF NEVADA, INC., a Nevada
 3 corporation; DOES 1-10; ROE ENTITIES 11-
 20,

4 Defendants.

5 Please take notice that the Order Approving Plaintiffs' Motion For Attorneys' Fees was
 6 entered on August 1, 2022, a copy of which is attached hereto.

7 Dated this 2nd day of August, 2022.

8 McDONALD CARANO LLP

9 By: /s/ Pat Lundvall

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 22 Lash & Goldberg LLP
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23 *Attorneys for Plaintiffs*

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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Judge David Wall, Special Master
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/s/ Beau Nelson

An employee of McDonald Carano LLP

Heaven S. Smith

CLERK OF THE COURT

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Attorneys for Plaintiffs

**DISTRICT COURT
CLARK COUNTY, NEVADA**

FREMONT EMERGENCY SERVICES
(MANDAVIA), LTD., a Nevada professional
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NEVADA-MANDAVIA, P.C., a Nevada
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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.

887410
McDONALD CARANO
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1 This matter came before the Court on June 29, 2022 on the Motion for Attorneys' Fees (the
2 "Motion") filed by Plaintiffs Fremont Emergency Services (Mandavia), Ltd.; Team Physicians of
3 Nevada-Mandavia, P.C.; Crum, Stefanko and Jones, Ltd. dba Ruby Crest Emergency Medicine
4 (collectively the "Plaintiffs").

5 Pat Lundvall, McDonald Carano LLP; and Joe Ahmad, Jane Robinson, Kevin Leyendecker
6 and Jason McManis, Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing, P.C., appeared on behalf
7 the Plaintiffs.

8 Colby Balkenbush, Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC; Jeffrey E. Gordon,
9 O'Melveny & Myers LLP; and Dan Polsenberg Lewis Roca Rothgerber Christie LLP appeared on
10 behalf of defendants United Healthcare Insurance Company; United Health Care Services Inc., dba
11 UnitedHealthcare; UMR, Inc., dba United Medical Resources; Sierra Health And Life Insurance
12 Company, Inc. and Health Plan Of Nevada, Inc. (collectively "Defendants").

13 The Court, having considered the Motion, the Defendants' Opposition, Plaintiffs' Reply,
14 the evidence cited in the pleadings, the Court's background and familiarity with this matter, and
15 the argument of counsel at the hearing on this matter, and good cause appearing, finds and orders
16 as follows:

- 17 1. The Motion was timely pursuant to NRCP 54(d)(2)(B)(i).
- 18 2. The contents of the Motion met the requirements of NRCP 54(d)(2)(B)(ii-v).
- 19 3. Each law firm retained by Plaintiffs worked on an agreed-upon hourly basis and the
20 attorneys' fees sought were actually incurred and paid by the Plaintiffs.
- 21 4. Plaintiffs utilized a program known as CounselLink to review all invoices,
22 including auditing such invoices for duplicative or redundant billing entries.
- 23 5. All invoices were submitted in accord with agreed-upon rates for agreed-upon
24 timekeepers.
- 25 6. All invoices fell within the scope of the Plaintiffs' outside counsel guidelines.
- 26 7. After CounselLink reviewed each invoice, Plaintiffs' in-house counsel reviewed
27 each invoice for accuracy and reasonableness as well as any comments generated by CounselLink
28 before processing, adjusting as necessary and paying the invoice if the total amount invoiced was

1 less than \$75,000.

2 8. In instances where an invoice exceeded \$75,000, Plaintiffs employed a third-level
3 of review by another in-house counsel before the invoice was ultimately submitted, adjusted as
4 necessary and paid.

5 9. The Plaintiffs' chosen law firms, attorneys and paralegals possessed the requisite
6 qualities, including ability, training, education, experience, professional standing and skill,
7 necessary for this case.

8 10. The character of the work required by this case was extensive and complex in its
9 difficulty, intricacy and importance.

10 11. The work performed by the attorneys and paralegals was required by this case.

11 12. The results achieved were successful and represent an exceptional result for the
12 Plaintiffs.

13 13. Rule 54 of the Nevada Rules of Civil Procedure establishes the procedure for
14 recovering attorneys' fees. *Thomas v. City of N. Las Vegas*, 122 Nev. 82, 94, 127 P.3d 1057, 1063
15 (2006) (stating that attorney fees may be provided for by statute, rule, or contract). These
16 procedures require the Court to find that the party requesting attorneys' fees was the prevailing
17 party.

18 14. A party can prevail under NRS 18.010(1) if it succeeds on any significant issue in
19 litigation which achieves some of the benefit it sought in bringing the suit, counterclaim, or
20 motion. *Blom v. Floodsuckers, LLC*, 3:12-cv-570-RCJ-WGC, 2013 WL 3463260 (D. Nev. July 9,
21 2013) (citing *Valley Elec. Ass'n v. Overfield*, 121 Nev. 7, 10, 106 P.3d 1198, 1200 (2005)). The
22 Supreme Court of Nevada has held that "[a] plaintiff may be considered the prevailing party for
23 attorney's fee purposes if it succeeds on any significant issue in litigation which achieves some of
24 the benefit is sought in bringing the suit." *Hornwood v. Smith's Food King*, 105 Nev. 188, 192, 772
25 P.2d 1284 (1989). Courts have stated that the term "prevailing party" is a legal term of art which
26 Black's Law Dictionary 1145 (7th ed. 1999) defines as "[a] party in whose favor a judgment is
27 rendered, regardless of the amount of damages awarded ..." *Cleverley v. Ballantyne*, 2:12-CV-
28 00444-GMN-GWF, 2014 WL 317775, at *3 (D. Nev. Jan. 28, 2014) (citing *Buckhannon Bd. v.*

1 *West Virginia D.H.H.R.*, 532 U.S. 598, 603, 121 S. Ct. 1835, 1839 (2001)).

2 15. Plaintiffs were the prevailing parties in this matter. The Court has entered judgment
3 in their favor, including as a result of the jury's unanimous Special Verdict finding in favor of
4 Plaintiffs on all claims tried, including their Prompt Pay Act cause of action (specifically NRS
5 683A.0879(5)). The Prompt Pay Act specifically provides: "A court shall award costs and
6 reasonable attorneys fees to the prevailing party in an action brought pursuant to this section."
7 Plaintiffs were the prevailing party under their Prompt Pay Act claims.

8 16. For the reasons discussed herein, generally the fees requested by Plaintiffs satisfy
9 the reasonable factors or standards set forth in *Brunzell v. Golden Gate Nat. Bank*, 85 Nev. 345,
10 455 P.2d 31 (1969). Those standards for the Court's review for reasonableness include:

- 11 • the qualities of the advocate: his/[her] ability, his/[her]
12 training, education, experience, professional standing, and
13 skill;
- 14 • the character of the work to be done: its difficulty, its
15 intricacy, its importance, time and skill required, the
16 responsibility imposed and the prominence and character
17 of the parties where they affect the importance of the
18 litigation;
- 19 • 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.

20 *Brunzell* at 349, 455 P.2d at 33. The Nevada Supreme Court notes that while a district court may
21 choose "any method rationally designed to calculate a reasonable amount" for an attorney fee
22 award, the district court "must continue its analysis by considering" the *Brunzell* factors. *Shuette*
23 *v. Beazer Homes Holdings Corp.*, 121 Nev. 837, 864-65, 124 P.3d 530, 549 (2005).

24 17. No one *Brunzell* factor should predominate or be given undue weight as the Court
25 evaluates the reasonableness of Plaintiffs' request for an award of attorneys' fees.

26 18. The Court studied every page of the invoices submitted by Plaintiffs and looked at
27 number of issues, including hourly rates, who was doing the work, incremental billing times,
28

1 duplication of effort, block billing and redactions. The Court did look specifically to see if
2 Plaintiffs' counsel was pyramiding services such that the lower rate services reflected the bulk of
3 the time spent and the higher rate services reflected a minority of the time spent. As a result of
4 such review, the Court found that 70 to 80 percent of the work was done at the lower level rates,
5 leaving about 20 to 30 percent of the work done at the higher rates. Such evidence demonstrates
6 Plaintiffs' counsel staffed and worked the case and issues in a reasonable and necessary fashion.

7 19. In reviewing the Plaintiffs' invoices, the Court considered its view of the defense
8 proffered by the Defendants. In particular, Defendants put up the most impressive defense the
9 Court has seen, including creating a record and raising every potential issue that had a possibility
10 for appeal, and in some instances multiple times. The effect of that impressive defense, however,
11 necessarily caused Plaintiffs to spend additional time and effort than would have otherwise been
12 spent pursuing the Plaintiffs' claims.

13 20. The Court notes that Defendants objected to the rates request by Plaintiffs on the
14 basis that such rates do not reflect the prevailing rates in southern Nevada. The Court disagrees.

15 21. The rates requested by Plaintiffs reflect the prevailing rates in Las Vegas for a
16 number of reasons. First, the rates requested compare favorably to the rates charged by Nevada
17 attorneys of comparable skill, experience, reputation and work on similarly complex cases. A
18 review of available other attorneys' applications or orders thereon for reimbursement of attorneys'
19 fees in other sophisticated and complex cases also reveals that the rates at issue herein are more
20 than reasonable. Comparable lead attorneys, practicing in cases of comparable sophistication and
21 complexity, are known to have charged the following rates:

- 22 • Jim Pisanelli \$650 (2015 rates) - \$1,000¹
- 23 • Todd Bice \$650 (2015 rates) - \$1,000²

24
25
26 ¹ See *Wynn Resorts Ltd. v. Okada et. al.*, Case No. A-12-656710-B, Declaration of James J.
27 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).

28 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 \$1,000³
- Dan Polsenberg \$785⁴
- Debra Spinelli \$550 (2015 rates) - \$750⁵
- Colby Williams \$750⁶
- Donald Campbell \$750⁷

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 . . . 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 Welch \$350] were largely customary. Plaintiff contends that Ms. Lundvall's hourly rate which averaged

³ 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 *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 Carano 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,

1 Flores \$250, Rivers \$250).

2 23. Defendants concede, as they must, that the “Court may also rely on its own
3 familiarity with the rates in the community to analyze those sought in the pending case.”
4 Opposition 5:23-25, citing *United Steelworkers of Am. v. Phelps Dodge Corp.*, 896 F.2d 403, 407
5 (9th Cir. 1990). In that regard the Court has previously found the following rates to be reasonable
6 for the Plaintiffs’ Nevada law firm: *Saticoy Bay v. Tapestry at Town Center Homeowners Ass’n*,
7 No. A-19-789111-C, 2020 (J. Allf presiding) Nev. Dist. LEXIS 600, at **5-6 (court found the
8 rates charged by McDonald Carano LLP’s attorneys and paralegals (Ogilvie \$550, Sifers \$275) to
9 be reasonable, awarding all requested fees and costs); *WLNS Investments, LLC v. Fayad.*, No. A-
10 20-813011-B, at **3 Nev. Dist. Ct. Feb. 15, 2022, April 6, 2022 (J. Allf presiding)) (twice this
11 Court awarded attorneys fees after specifically finding “[McDonald Carano LLP attorneys and
12 paralegals] were charging below market rates[.]”). The Court specifically finds the rates charged
13 by Plaintiffs’ attorneys and paralegals to be both prevailing and reasonable.

14 24. Defendants object to counsel’s intermittent use of block billing and contend that
15 Nevada prohibits block billing. The Court disagrees.

16 25. Nevada’s seminal case for evaluating requests for attorneys’ fees is *Brunzell*. Under
17 *Brunzell*, the guiding principle is always the reasonableness of the attorney’s fees requested rather
18 than any specific method or approach in reaching that result. *See Haley v. Dist. Ct.*, 128 Nev.
19 Advance. Op. 16, 273 P.3d 855, 860 (2012) (noting the Court’s analysis may include “any method
20 rationally designed to calculate a reasonable amount, so long as the requested amount is reviewed
21 in light of the factors set forth in *Brunzell*.”).

22 26. Instead of analyzing *Brunzell*, Defendants suggest the Court should reduce the
23 requested attorneys fees by 70% because the Ninth Circuit disapproves of block billing, which
24 Plaintiffs’ counsel used on a portion of the invoices in this case. Opposition 14:14-22:8. In
25 arguing this, Defendants exclusively rely on Ninth Circuit cases, particularly *Welch v. Metro Life,*
26 *Ins. Co.* and *Lahiri v. Universal Music & Video Distribution Corp.* *See* 480 F.3d 942 (9th Cir.
27 2007) and 606 F.3d 1216 (9th Cir. 2010), respectively.

28 27. But *Welch* and *Lahiri* are not Nevada cases and thus have no application to the

1 Court's analysis under *Brunzell* or other cases from the Nevada Supreme Court. In both *Welch*
 2 *and Lahiri*, the Ninth Circuit noted that the trial courts in those cases relied on a report from the
 3 California State Bar's Committee on Mandatory Fee Arbitration in concluding block billing was
 4 inappropriate for those cases. *See* 480 F.3d at 948; 606 F.3d at 1222-23. Although the California
 5 State Bar's reports may be given deference in California actions, they are not due such deference
 6 in Nevada actions. Of note, Defendants did not present the Court with the California State Bar's
 7 report, and thus neither the parties nor the Court can test the report's conclusions or methodology.
 8 Simply put, *Welch* and *Lahiri*'s reliance on the California State Bar report has no application to
 9 this case.

10 28. Instead, what does have application to this case is the Nevada Supreme Court's
 11 holding that "block-billed time entries are generally amenable to consideration under the *Brunzell*
 12 factors, and a district court must consider block-billed time entries when awarding attorney's fees."
 13 *In re Margaret Mary Adams 2006 Trust*, No. 6710, 2015 WL 1423378 at *2 (Mar. 26, 2015)
 14 (internal citations omitted); *see also Branch Banking*, 2016 WL 4644477 at *5 (quoting *In re*
 15 *Margaret* in allowing recovery for block billed attorney's fees). Thus, only "where a district court
 16 determines that none of the task entries comprising the block billing were necessary or reasonable
 17 may a district court categorically exclude all of the block-billed time entries." *In re Margaret*, No.
 18 6710, 2015 WL 1423378 at *2 (emphasis added).

19 29. Here, counsel's time entries are all capable of analysis under *Brunzell*, and the
 20 billing descriptions are more than sufficient to justify an award of reasonable attorney's fees.
 21 Nevada caselaw required Defendants to identify any block-billed entry in which *none* of the task
 22 entries were allegedly unnecessary or unreasonable. In this regard, Defendants did not bring a
 23 single one to the Court's attention. Therefore, the Court may not categorically exclude any of the
 24 block-billed entries either in whole or in part.

25 30. Put simply, although some jurisdictions may criticize block billing, the Court's
 26 review of the invoices in question, and the periodic use of block billing, did not preclude an
 27 analysis of the reasonableness or necessity of the tasks performed. Consequently, under *Brunzell*,
 28 there is no basis to reduce the Plaintiffs' fee request due to the use of block billing.

1 31. Nevada law is clear that apportionment is not required or mandatory and the Court
2 does not abuse its discretion to award all fees or costs requested when the facts and claims founded
3 upon those facts are too intertwined to separate and assign to separate claims. *Mayfield v.*
4 *Koroghli*, 124 Nev. 343, 353, 184 P.3d 362, 369 (2008) (citing *Abdallah v. United Savings Bank*,
5 43 Ca. App. 4th 1101, 51 Cal Rptr. 286, 293 (1996), and concluding apportionment is not
6 mandatory if the claims are too intertwined to separate).

7 32. Here, Plaintiffs sought discovery on and tried their case on a single set of facts.
8 Those facts supported multiple legal theories - including the imposition of punitive damages. But
9 no one fact was solely applicable to one claim versus another. All were inextricably intertwined.
10 Defendants made no effort to apportion any of the requested fees.

11 33. The factual predicate to all claims for which discovery was sought and for all
12 claims tried was so inextricably intertwined that it would be impossible to separate and assign
13 some attorneys' fees to some claims but not to others

14 34. In light of the extensive review conducted by the Court of the Plaintiffs' invoices
15 the prevailing rates discussed herein, the defense put forth both before and during and after the
16 trial, the complexity and uniqueness of the case, the quality of the lawyering, the rigorous nature of
17 the trial and the results obtained, the *full* \$12,683,044.41 in attorneys' fees requested by Plaintiffs,
18 including the rates requested for each of the timekeepers involved, is reasonable under the
19 circumstances.

20 35. However, in light of the number of timekeepers involved and the few instances
21 where the Court found the time invoiced was a little too sparsely described, a reduction of 10% in
22 the amount of requested attorneys' fees is appropriate.

23 36. Consequently, the sum of \$11,414,739.97 reflects the reasonable and necessary fees
24 incurred by Plaintiffs and the Court awards and orders Defendants pay such amount in addition to
25 the amounts awarded Plaintiffs in the previously entered Final Judgment.

26 37. Finally, the Court notes that after filing the Motion, Plaintiffs filed a Notice of
27 Supplemental Fees together with a supporting Affidavit. The Court intends to take up that Notice
28 and the supplemental request for fees in due course after Defendants have had an opportunity to

1 file a response thereto.

2 **ORDER**

3 IT IS SO ORDERED.

4 Dated this 1st day of August, 2022

5 Nancy L Alf TW

6 **F4B F1C C161 CD09**
 7 **Nancy Alf**
 8 **District Court Judge**

9 Submitted by:

Approved/Disapproved as to form and content:

10
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1 **CSERV**

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5
6 Fremont Emergency Services
(Mandavia) Ltd, Plaintiff(s)

CASE NO: A-19-792978-B

7 vs.

DEPT. NO. Department 27

8
9 United Healthcare Insurance
Company, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12
13 This automated certificate of service was generated by the Eighth Judicial District
14 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:

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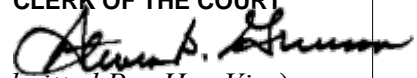
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DISTRICT COURT

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.

Case No.: A-19-792978-B
Dept. No.: 27

AMENDED CASE APPEAL STATEMENT

1 UNITED HEALTHCARE INSURANCE
 2 COMPANY, a Connecticut corporation; UNITED
 3 HEALTH CARE SERVICES INC., dba
 4 UNITEDHEALTHCARE, a Minnesota
 5 corporation; UMR, INC., dba UNITED MEDICAL
 6 RESOURCES, a Delaware corporation; SIERRA
 7 HEALTH AND LIFE INSURANCE COMPANY,
 8 INC., a Nevada corporation; HEALTH PLAN OF
 9 NEVADA, INC., a Nevada corporation,

10 Defendants.

11 **AMENDED CASE APPEAL STATEMENT**

12 1. Name of appellant filing this case appeal statement:

13 Defendants United Healthcare Insurance Company ("UHIC"), United
 14 Health Care Services Inc. ("UHS", which does business as
 15 UnitedHealthcare or "UHC" and through UHIC), UMR, Inc. ("UMR"),
 16 Sierra Health and Life Insurance Company ("SHL"), and Health Plan of
 17 Nevada, Inc.

18 2. Identify the judge issuing the decision, judgment, or order appealed from:

19 The Honorable Nancy Allf

20 3. Identify each appellant and the name and address of counsel for each appellant:

21 *Attorneys for Appellants United Healthcare Insurance Company ("UHIC"),*
 22 *United Health Care Services Inc. ("UHS", which does business as*
 23 *UnitedHealthcare or "UHC" and through UHIC), UMR, Inc. ("UMR"), Sierra*
 24 *Health and Life Insurance Company ("SHL"), and Health Plan of Nevada, Inc.*

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 27 ABRAHAM G. SMITH
 28 LEWIS ROCA ROTHGERBER CHRISTIE LLP
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New York, NY 10036
(212) 728-5857

4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):

Attorneys for Respondents Fremont Emergency Services (Mandavia), Ltd., Team Physicians of Nevada-Mandavia, P.C., Crum, Stefanko and Jones, Ltd. dba Ruby Crest Emergency Medicine

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 JANE L. ROBINSON
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5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):

Justin C. Fineberg, Martin B. Goldberg, Rachel H. LeBlanc, Jonathan E. Feuer, Jonathan E. Siegelau, David R. Ruffner, Emily L. Pincow, and Ashley Singrossi of Lash & Goldberg LLP; Joseph Y. Ahmad, John Zavitsanos, Jason S. McManis, Michael Killingsworth, Louis Liao, Jane L. Robinson, and P. Kevin Leyendecker of Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing, P.C.; Dimiri D. Portnoi, Jason A. Orr, Adam G. Levine, Hannah Dunham, Nadia L. Farjood, K. Lee Blalack, II, Jeffrey E. Gordon, Kevin D. Feder, Jason Yan, Paul J. Wooten and Philip E. Legendy of O'Melveny & Myers LLP are not licensed to practice law in Nevada. The orders granting them permission to appear are attached as Exhibits A–C.

6. Indicate whether appellant was represented by appointed or retained counsel in the district court:

Retained counsel

7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

Retained counsel

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:

N/A

9. Indicate the date the proceedings commenced in the district court, *e.g.*, date complaint, indictment, information, or petition was filed:

“Complaint,” filed April 15, 2019

10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:

This action stems from a disagreement on reimbursement rates for emergency medical services. Following a jury trial, the district court entered judgment in favor of the plaintiffs in the amount of \$63,429,873.96, plus interest, attorneys’ fees, if any, and costs. Defendants appealed and filed post-judgment motions on April 6, 2022. Defendants now amend their appeal to include the order denying their motion for remittitur and to alter or amend the judgment and the orders awarding \$11,414,739.97 in attorneys’ fees and \$886,728.52 in costs.

The district court has not yet entered written orders denying defendants' renewed motion for judgment as a matter of law or motion for new trial.

11. Indicate whether the case has previously been the subject of an appeal or an original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding.

UnitedHealth Grp., Inc. v. District Court, Case No. 81680
United Healthcare Ins. Co. v. District Court, Case No. 83629
United Healthcare Ins. Co. v. Fremont Emergency Servs. (Mandavia), Ltd., Case No. 84558

12. Indicate whether this appeal involves child custody or visitation:

This case does not involve child custody or visitation.

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:

This appeal was not resolved during the parties' Supreme Court settlement conference.

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 15th day of August, 2022, a true and correct copy of the foregoing "Amended Case Appeal Statement" 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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Judge David Wall, Special Master
Attention:
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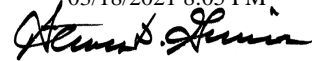
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EXHIBIT A

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EXHIBIT A



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DISTRICT COURT**CLARK COUNTY, NEVADA**

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 NEVADA-MANDAVIA, P.C., a Nevada
 professional corporation; CRUM,
 STEFANKO AND JONES, LTD. dba RUBY
 CREST EMERGENCY MEDICINE, a
 Nevada professional corporation,

Plaintiffs,

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

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

**ORDER GRANTING MOTION TO
 ASSOCIATE COUNSEL JUSTIN C.
 FINEBERG ON ORDER SHORTENING
 TIME**

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017812

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,

Defendants.

Justin C. Fineberg filed his Motion to Associate Counsel under Nevada Supreme Court Rule 42, together with a Verified Application for Association of counsel, Certificate of Good Standing from Florida and the State Bar of Nevada's Statement Pursuant to Supreme Court Rule 42(3)(b). The Motion was served on all appearing parties, and no objections were filed. Good cause appearing,

IT IS HEREBY ORDERED that the Motion is granted and Justin C. Fineberg is hereby admitted to practice in this Court for the purpose of this matter only.

DATED this 18 day of March, 2021.

Dated this 18th day of March, 2021

Nancy L Alf
DISTRICT COURT JUDGE

NB

Respectfully submitted by:

McDONALD CARANO LLP

238 B5C 3CB7 64AE
Nancy Alf
District Court Judge

By: /s/ Pat Lundvall
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Kristen T. Gallagher (NSBN 9561)
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Attorneys for Plaintiffs

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2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5
6 Fremont Emergency Services
(Mandavia) Ltd, Plaintiff(s)

CASE NO: A-19-792978-B

7 vs.

DEPT. NO. Department 27

8
9 United Healthcare Insurance
Company, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

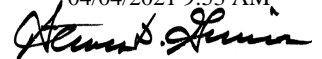
15 Service Date: 3/18/2021

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 UNITEDHEALTHCARE, a Minnesota
 corporation; UMR, INC., dba UNITED
 MEDICAL RESOURCES, a Delaware

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

**ORDER GRANTING MOTION TO
ASSOCIATE COUNSEL MARTIN BARRY
GOLDBERG ON ORDER SHORTENING
TIME**

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017816

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,

Defendants.

Martin Barry Goldberg filed his Motion to Associate Counsel under Nevada Supreme Court Rule 42, together with a Verified Application for Association of counsel, Certificate of Good Standing from Florida, Maryland and Washington, D.C. and the State Bar of Nevada's Statement Pursuant to Supreme Court Rule 42(3)(b). The Motion was served on all appearing parties, and no objections were filed. Good cause appearing,

IT IS HEREBY ORDERED that the Motion is granted and Martin Barry Goldberg is hereby admitted to practice in this Court for the purpose of this matter only.

DATED this 1 day of April, 2021.

Dated this 4th day of April, 2021

Nancy L Alf

DISTRICT COURT JUDGE

NB

9F8 C72 D098 5A28
Nancy Alf
District Court Judge

Respectfully submitted by:

McDONALD CARANO LLP

By: /s/ Pat Lundvall
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Attorneys for Plaintiffs

1 **CSERV**

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

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6 Fremont Emergency Services
(Mandavia) Ltd, Plaintiff(s)

CASE NO: A-19-792978-B

7 vs.

DEPT. NO. Department 27

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Company, Defendant(s)

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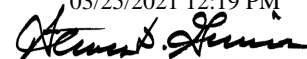
15 Service Date: 4/4/2021

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*Attorneys for Plaintiff***DISTRICT COURT****CLARK COUNTY, NEVADA**

FREMONT EMERGENCY SERVICES
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 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.

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

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

**ORDER GRANTING MOTION TO
 ASSOCIATE COUNSEL RACHEL
 HOLLADAY LEBLANC ON ORDER
 SHORTENING TIME**

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,

Defendants.

Rachel Holladay LeBlanc filed her Motion to Associate Counsel under Nevada
Supreme Court Rule 42, together with a Verified Application for Association of counsel,
Certificates of Good Standing from Florida and Tennessee and the State Bar of Nevada's
Statement Pursuant to Supreme Court Rule 42(3)(b). The Motion was served on all
appearing parties, and no objections were filed. Good cause appearing,

IT IS HEREBY ORDERED that the Motion is granted and Rachel Holladay LeBlanc
is hereby admitted to practice in this Court for the purpose of this matter only.

DATED this 25 day of March, 2021.

Dated this 25th day of March, 2021

Nancy L Alf
DISTRICT COURT JUDGE

NB

Respectfully submitted by:

McDONALD CARANO LLP

By: /s/ Pat Lundvall
Pat Lundvall (NSBN 3761)
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Attorneys for Plaintiffs

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Fremont Emergency Services
7 (Mandavia) Ltd, Plaintiff(s)

CASE NO: A-19-792978-B

8 vs.

DEPT. NO. Department 27

9 United Healthcare Insurance
10 Company, Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

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

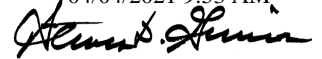
Service Date: 3/25/2021

16 Audra Bonney	abonney@wwhgd.com
17 Cindy Bowman	cbowman@wwhgd.com
18 D. Lee Roberts	lroberts@wwhgd.com
19 Raiza Anne Torrenueva	rtorrenueva@wwhgd.com
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*Attorneys for Plaintiff***DISTRICT COURT****CLARK COUNTY, NEVADA**

FREMONT EMERGENCY SERVICES
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 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.

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

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

**ORDER GRANTING MOTION TO
ASSOCIATE COUNSEL JONATHAN E.
FEUER ON ORDER SHORTENING TIME**

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,

Defendants.

Jonathan E. Feuer filed his Motion to Associate Counsel under Nevada Supreme Court Rule 42, together with a Verified Application for Association of counsel, Certificate of Good Standing from Florida and the State Bar of Nevada's Statement Pursuant to Supreme Court Rule 42(3)(b). The Motion was served on all appearing parties, and no objections were filed. Good cause appearing,

IT IS HEREBY ORDERED that the Motion is granted and Jonathan E. Feuer is hereby admitted to practice in this Court for the purpose of this matter only.

DATED this 1 day of April, 2021.

Dated this 4th day of April, 2021

Nancy L Alf
DISTRICT COURT JUDGE

Respectfully submitted by:

McDONALD CARANO LLP

By: /s/ Pat Lundvall
Pat Lundvall (NSBN 3761)
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Attorneys for Plaintiffs

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Nancy Alf
District Court Judge

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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Fremont Emergency Services
7 (Mandavia) Ltd, Plaintiff(s)

CASE NO: A-19-792978-B

8 vs.

DEPT. NO. Department 27

9 United Healthcare Insurance
10 Company, Defendant(s)

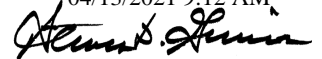
11 **AUTOMATED CERTIFICATE OF SERVICE**

12
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15 Service Date: 4/4/2021

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*Attorneys for Plaintiff***DISTRICT COURT****CLARK COUNTY, NEVADA**

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 (MANDAVIA), LTD., a Nevada professional
 corporation; TEAM PHYSICIANS OF
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 professional corporation; CRUM,
 STEFANKO AND JONES, LTD. dba RUBY
 CREST EMERGENCY MEDICINE, a
 Nevada professional corporation,

Plaintiffs,

vs.

UNITEDHEALTH GROUP, INC., a Delaware
 corporation; UNITED HEALTHCARE
 INSURANCE COMPANY, a Connecticut
 corporation; UNITED HEALTH CARE
 SERVICES INC., dba
 UNITEDHEALTHCARE, a Minnesota

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

**ORDER GRANTING MOTION TO
 ASSOCIATE COUNSEL JONATHAN E.
 SIEGELAUB ON ORDER SHORTENING
 TIME**

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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,

Defendants.

Jonathan E. Siegelau filed his Motion to Associate Counsel under Nevada Supreme Court Rule 42, together with a Verified Application for Association of counsel, Certificate of Good Standing from Florida and the State Bar of Nevada's Statement Pursuant to Supreme Court Rule 42(3)(b). The Motion was served on all appearing parties, and no objections were filed. Good cause appearing,

IT IS HEREBY ORDERED that the Motion is granted and Jonathan E. Siegelau is hereby admitted to practice in this Court for the purpose of this matter only.

DATED this ____ day of _____, 2021.

Dated this 13th day of April, 2021

Nancy L Alf
DISTRICT COURT JUDGE

Respectfully submitted by:

McDONALD CARANO LLP

By: /s/ Pat Lundvall

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Attorneys for Plaintiffs

1 **CSERV**

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

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5
6 Fremont Emergency Services
(Mandavia) Ltd, Plaintiff(s)

CASE NO: A-19-792978-B

7 vs.

DEPT. NO. Department 27

8
9 United Healthcare Insurance
Company, Defendant(s)

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11 **AUTOMATED CERTIFICATE OF SERVICE**

12
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15 Service Date: 4/13/2021

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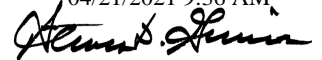
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Lee Blalack

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*Attorneys for Plaintiff***DISTRICT COURT****CLARK COUNTY, NEVADA**

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 CREST EMERGENCY MEDICINE, a
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Plaintiffs,

vs.

UNITEDHEALTH GROUP, INC., a Delaware
 corporation; UNITED HEALTHCARE
 INSURANCE COMPANY, a Connecticut
 corporation; UNITED HEALTH CARE

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

**ORDER GRANTING MOTION TO
 ASSOCIATE COUNSEL DAVID R.
 RUFFNER ON ORDER SHORTENING
 TIME**

McDONALD CARANO


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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,

Defendants.

David R. Ruffner filed his Motion to Associate Counsel under Nevada Supreme Court Rule 42, together with a Verified Application for Association of counsel, Certificate of Good Standing from Florida and the State Bar of Nevada's Statement Pursuant to Supreme Court Rule 42(3)(b). The Motion was served on all appearing parties, and no objections were filed. Good cause appearing,

IT IS HEREBY ORDERED that the Motion is granted and David R. Ruffner is hereby admitted to practice in this Court for the purpose of this matter only.

DATED this ____ day of _____, 2021.

Dated this 21st day of April, 2021

Nancy L Alf
 DISTRICT COURT JUDGE

Respectfully submitted by:

McDONALD CARANO LLP

By: /s/ Pat Lundvall
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Attorneys for Plaintiffs

1 **CSERV**

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

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6 Fremont Emergency Services
(Mandavia) Ltd, Plaintiff(s)

CASE NO: A-19-792978-B

7 vs.

DEPT. NO. Department 27

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9 United Healthcare Insurance
Company, Defendant(s)

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11 **AUTOMATED CERTIFICATE OF SERVICE**

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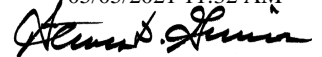
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*Attorneys for Plaintiff***DISTRICT COURT****CLARK COUNTY, NEVADA**

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.

UNITEDHEALTH GROUP, INC., a Delaware
 corporation; UNITED HEALTHCARE

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

**ORDER GRANTING MOTION TO
 ASSOCIATE COUNSEL EMILY L.
 PINCOW ON ORDER SHORTENING
 TIME**

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017838

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,

Defendants.

Emily L. Pincow filed her Motion to Associate Counsel under Nevada Supreme Court Rule 42, together with a Verified Application for Association of counsel, Certificate of Good Standing from Florida and the State Bar of Nevada's Statement Pursuant to Supreme Court Rule 42(3)(b). The Motion was served on all appearing parties, and no objections were filed. Good cause appearing,

IT IS HEREBY ORDERED that the Motion is granted and Emily L. Pincow is hereby admitted to practice in this Court for the purpose of this matter only.

DATED this 5 day of May, 2021.

Dated this 5th day of May, 2021

Nancy L Alf
DISTRICT COURT JUDGE

Respectfully submitted by:

McDONALD CARANO LLP

By: /s/ Pat Lundvall
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District Court Judge

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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Fremont Emergency Services
7 (Mandavia) Ltd, Plaintiff(s)

CASE NO: A-19-792978-B

8 vs.

DEPT. NO. Department 27

9 United Healthcare Insurance
10 Company, Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

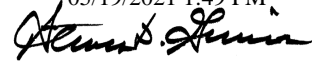
12
13 This automated certificate of service was generated by the Eighth Judicial District
14 Court. The foregoing Order Granting Motion was served via the court's electronic eFile
15 system to all recipients registered for e-Service on the above entitled case as listed below:

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 NEVADA-MANDAVIA, 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.: XXVII

**ORDER GRANTING MOTION TO
 ASSOCIATE COUNSEL ASHLEY
 SINGROSSI ON ORDER SHORTENING
 TIME**

McDONALD CARANO


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017843

1 UNITEDHEALTH GROUP, INC., a Delaware
 2 corporation; UNITED HEALTHCARE
 3 INSURANCE COMPANY, a Connecticut
 4 corporation; UNITED HEALTH CARE
 5 SERVICES INC., dba
 6 UNITEDHEALTHCARE, a Minnesota
 7 corporation; UMR, INC., dba UNITED
 8 MEDICAL RESOURCES, a Delaware
 9 corporation; OXFORD HEALTH PLANS,
 10 INC., a Delaware corporation; SIERRA
 11 HEALTH AND LIFE INSURANCE
 12 COMPANY, INC., a Nevada corporation;
 13 SIERRA HEALTH-CARE OPTIONS, INC., a
 14 Nevada corporation; HEALTH PLAN OF
 15 NEVADA, INC., a Nevada corporation;
 16 DOES 1-10; ROE ENTITIES 11-20,

17 Defendants.

18 Ashley Singrossi filed her Motion to Associate Counsel under Nevada Supreme
 19 Court Rule 42, together with a Verified Application for Association of counsel, Certificate of
 20 Good Standing from Florida and the State Bar of Nevada's Statement Pursuant to Supreme
 21 Court Rule 42(3)(b). The Motion was served on all appearing parties, and no objections
 22 were filed. Good cause appearing,

23 IT IS HEREBY ORDERED that the Motion is granted and Ashley Singrossi is hereby
 24 admitted to practice in this Court for the purpose of this matter only.

25 DATED this 19 day of Ma, 2021.

Dated this 19th day of May, 2021

Nancy L Alif
 DISTRICT COURT JUDGE

NB

26 Respectfully submitted by:
 27 McDONALD CARANO LLP

28 By: /s/ Pat Lundvall
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 Nancy Alif
 District Court Judge

1 **CSERV**

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5
6 Fremont Emergency Services
(Mandavia) Ltd, Plaintiff(s)

CASE NO: A-19-792978-B

7 vs.

DEPT. NO. Department 27

8
9 United Healthcare Insurance
Company, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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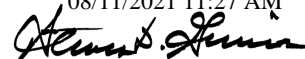
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EXHIBIT B

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EXHIBIT B



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Attorneys for Plaintiffs

DISTRICT COURT**CLARK COUNTY, NEVADA**

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 (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.: XXVII

**ORDER GRANTING MOTION TO
 ASSOCIATE COUNSEL JOSEPH
 AHMAD ON ORDER SHORTENING TIME**

1 vs.

2 UNITEDHEALTH GROUP, INC., a Delaware
 3 corporation; UNITED HEALTHCARE
 4 INSURANCE COMPANY, a Connecticut
 5 corporation; UNITED HEALTH CARE
 6 SERVICES INC., dba
 7 UNITEDHEALTHCARE, a Minnesota
 8 corporation; UMR, INC., dba UNITED
 9 MEDICAL RESOURCES, a Delaware
 10 corporation; OXFORD HEALTH PLANS,
 11 INC., a Delaware corporation; SIERRA
 12 HEALTH AND LIFE INSURANCE
 13 COMPANY, INC., a Nevada corporation;
 14 SIERRA HEALTH-CARE OPTIONS, INC., a
 15 Nevada corporation; HEALTH PLAN OF
 16 NEVADA, INC., a Nevada corporation;
 17 DOES 1-10; ROE ENTITIES 11-20,

18 Defendants.

19 Joseph Ahmad filed his Motion to Associate Counsel under Nevada Supreme Court
 20 Rule 42, together with a Verified Application for Association of counsel, Certificate of Good
 21 Standing from Texas and the State Bar of Nevada's Statement Pursuant to Supreme Court
 22 Rule 42(3)(b). The Motion was served on all appearing parties, and no objections were
 23 filed. Good cause appearing,

24 IT IS HEREBY ORDERED that the Motion is granted and Joseph Ahmad is hereby
 25 admitted to practice in this Court for the purpose of this matter only.

26 DATED this 10 day of August, 2021.

Dated this 11th day of August, 2021

Nancy L Allf

DISTRICT COURT JUDGE TW

27 Respectfully submitted by:
 28 McDONALD CARANO LLP

By: /s/ Pat Lundvall

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 Nancy Allf
 District Court Judge

1 **CSERV**

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5
6 Fremont Emergency Services
(Mandavia) Ltd, Plaintiff(s)

CASE NO: A-19-792978-B

7 vs.

DEPT. NO. Department 27

8
9 United Healthcare Insurance
Company, Defendant(s)

10
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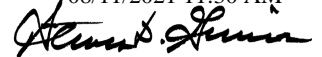
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 Jason S. McManis (*pro hac vice* pending)
 Michael Killingsworth (*pro hac vice* pending)
 Louis Liao (*pro hac vice pending*)
 Jane L. Robinson (*pro hac vice forthcoming*)
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Attorneys for Plaintiffs

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,

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

**ORDER GRANTING MOTION TO
 ASSOCIATE COUNSEL JOHN
 ZAVITSANOS ON ORDER SHORTENING
 TIME**

1 vs.

2 UNITEDHEALTH GROUP, INC., a Delaware
 3 corporation; UNITED HEALTHCARE
 4 INSURANCE COMPANY, a Connecticut
 5 corporation; UNITED HEALTH CARE
 6 SERVICES INC., dba
 7 UNITEDHEALTHCARE, a Minnesota
 8 corporation; UMR, INC., dba UNITED
 9 MEDICAL RESOURCES, a Delaware
 10 corporation; OXFORD HEALTH PLANS,
 11 INC., a Delaware corporation; SIERRA
 12 HEALTH AND LIFE INSURANCE
 13 COMPANY, INC., a Nevada corporation;
 14 SIERRA HEALTH-CARE OPTIONS, INC., a
 15 Nevada corporation; HEALTH PLAN OF
 16 NEVADA, INC., a Nevada corporation;
 17 DOES 1-10; ROE ENTITIES 11-20,

18 Defendants.

19 John Zavitsanos filed his Motion to Associate Counsel under Nevada Supreme Court
 20 Rule 42, together with a Verified Application for Association of counsel, Certificate of Good
 21 Standing from Texas and the State Bar of Nevada's Statement Pursuant to Supreme Court
 22 Rule 42(3)(b). The Motion was served on all appearing parties, and no objections were
 23 filed. Good cause appearing,

24 IT IS HEREBY ORDERED that the Motion is granted and John Zavitsanos is hereby
 25 admitted to practice in this Court for the purpose of this matter only.

26 DATED this 10 day of August, 2021.

Dated this 11th day of August, 2021

Nancy L Allf
 DISTRICT COURT JUDGE TW

27 Respectfully submitted by:
 28 McDONALD CARANO LLP

By: /s/ Pat Lundvall

Pat Lundvall (NSBN 3761)
 Kristen T. Gallagher (NSBN 9561)
 Amanda M. Perach (NSBN 12399)
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 Attorneys for Plaintiffs

878 EFB 0530 C818
 Nancy Allf
 District Court Judge

1 **CSERV**

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5
6 Fremont Emergency Services
(Mandavia) Ltd, Plaintiff(s)

CASE NO: A-19-792978-B

7 vs.

DEPT. NO. Department 27

8
9 United Healthcare Insurance
Company, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12
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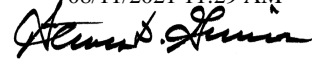
15 Service Date: 8/11/2021

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Attorneys for Plaintiffs

DISTRICT COURT**CLARK COUNTY, NEVADA**

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 CREST EMERGENCY MEDICINE, a
 Nevada professional corporation,

Plaintiffs,

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

**ORDER GRANTING MOTION TO
 ASSOCIATE COUNSEL JASON S.
 MCMANIS ON ORDER SHORTENING
 TIME**

1 vs.

2 UNITEDHEALTH GROUP, INC., a Delaware
 3 corporation; UNITED HEALTHCARE
 4 INSURANCE COMPANY, a Connecticut
 5 corporation; UNITED HEALTH CARE
 6 SERVICES INC., dba
 7 UNITEDHEALTHCARE, a Minnesota
 8 corporation; UMR, INC., dba UNITED
 9 MEDICAL RESOURCES, a Delaware
 10 corporation; OXFORD HEALTH PLANS,
 11 INC., a Delaware corporation; SIERRA
 12 HEALTH AND LIFE INSURANCE
 13 COMPANY, INC., a Nevada corporation;
 14 SIERRA HEALTH-CARE OPTIONS, INC., a
 15 Nevada corporation; HEALTH PLAN OF
 16 NEVADA, INC., a Nevada corporation;
 17 DOES 1-10; ROE ENTITIES 11-20,

18 Defendants.

19 Jason S. McManis filed his Motion to Associate Counsel under Nevada Supreme
 20 Court Rule 42, together with a Verified Application for Association of counsel, Certificate of
 21 Good Standing from Texas and the State Bar of Nevada's Statement Pursuant to Supreme
 22 Court Rule 42(3)(b). The Motion was served on all appearing parties, and no objections
 23 were filed. Good cause appearing,

24 IT IS HEREBY ORDERED that the Motion is granted and Jason S. McManis is
 25 hereby admitted to practice in this Court for the purpose of this matter only.

26 DATED this 10 day of August, 2021.

Dated this 11th day of August, 2021

Nancy L Alf
 DISTRICT COURT JUDGE TW

27 Respectfully submitted by:
 28 McDONALD CARANO LLP

By: /s/ Pat Lundvall
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 Nancy Alf
 District Court Judge

1 **CSERV**

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

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5
6 Fremont Emergency Services
(Mandavia) Ltd, Plaintiff(s)

CASE NO: A-19-792978-B

7 vs.

DEPT. NO. Department 27

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Company, Defendant(s)

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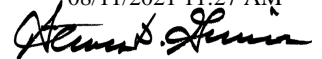
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Attorneys for Plaintiffs

DISTRICT COURT**CLARK COUNTY, NEVADA**

FREMONT EMERGENCY SERVICES
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 Nevada professional corporation,

Plaintiffs,

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

**ORDER GRANTING MOTION TO
 ASSOCIATE COUNSEL MICHAEL
 KILLINGSWORTH ON ORDER
 SHORTENING TIME**

McDONALD CARANO

2300 WEST SAHARA AVENUE, SUITE 1200 • LAS VEGAS, NEVADA 89102
 PHONE 702.873.4100 • FAX 702.873.9966

017864

1 vs.
 2 UNITEDHEALTH GROUP, INC., a Delaware
 3 corporation; UNITED HEALTHCARE
 4 INSURANCE COMPANY, a Connecticut
 5 corporation; UNITED HEALTH CARE
 6 SERVICES INC., dba
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 8 corporation; UMR, INC., dba UNITED
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 13 COMPANY, INC., a Nevada corporation;
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 15 Nevada corporation; HEALTH PLAN OF
 16 NEVADA, INC., a Nevada corporation;
 17 DOES 1-10; ROE ENTITIES 11-20,

18 Defendants.

19 Michael Killingsworth filed his Motion to Associate Counsel under Nevada Supreme
 20 Court Rule 42, together with a Verified Application for Association of counsel, Certificate of
 21 Good Standing from Texas and the State Bar of Nevada's Statement Pursuant to Supreme
 22 Court Rule 42(3)(b). The Motion was served on all appearing parties, and no objections
 23 were filed. Good cause appearing,

24 IT IS HEREBY ORDERED that the Motion is granted and Michael Killingsworth is
 25 hereby admitted to practice in this Court for the purpose of this matter only.

26 DATED this 10 day of August, 2021.

Dated this 11th day of August, 2021

Nancy L Alf
 DISTRICT COURT JUDGE TW

27 Respectfully submitted by:
 28 McDONALD CARANO LLP

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 Nancy Alf
 District Court Judge

1 **CSERV**

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3 CLARK COUNTY, NEVADA

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CASE NO: A-19-792978-B

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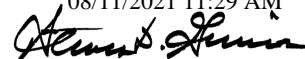
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 John Zavitsanos (*pro hac vice* pending)
 Jason S. McManis (*pro hac vice* pending)
 Michael Killingsworth (*pro hac vice* pending)
 Louis Liao (*pro hac vice pending*)
 Jane L. Robinson (*pro hac vice forthcoming*)
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Attorneys 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,

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

**ORDER GRANTING MOTION TO
 ASSOCIATE COUNSEL LOUIS LIAO ON
 ORDER SHORTENING TIME**

1 vs.
 2 UNITEDHEALTH GROUP, INC., a Delaware
 3 corporation; UNITED HEALTHCARE
 4 INSURANCE COMPANY, a Connecticut
 5 corporation; UNITED HEALTH CARE
 6 SERVICES INC., dba
 7 UNITEDHEALTHCARE, a Minnesota
 8 corporation; UMR, INC., dba UNITED
 9 MEDICAL RESOURCES, a Delaware
 10 corporation; OXFORD HEALTH PLANS,
 11 INC., a Delaware corporation; SIERRA
 12 HEALTH AND LIFE INSURANCE
 13 COMPANY, INC., a Nevada corporation;
 14 SIERRA HEALTH-CARE OPTIONS, INC., a
 15 Nevada corporation; HEALTH PLAN OF
 16 NEVADA, INC., a Nevada corporation;
 17 DOES 1-10; ROE ENTITIES 11-20,

18 Defendants.

19 Louis Liao filed his Motion to Associate Counsel under Nevada Supreme Court Rule
 20 42, together with a Verified Application for Association of counsel, Certificate of Good
 21 Standing from Texas and the State Bar of Nevada's Statement Pursuant to Supreme Court
 22 Rule 42(3)(b). The Motion was served on all appearing parties, and no objections were
 23 filed. Good cause appearing,

24 IT IS HEREBY ORDERED that the Motion is granted and Louis Liao is hereby
 25 admitted to practice in this Court for the purpose of this matter only.

26 DATED this 10 day of August, 2021.

Dated this 11th day of August, 2021

Nancy L Allf
 DISTRICT COURT JUDGE TW

27 Respectfully submitted by:
 28 McDONALD CARANO LLP

By: /s/ Pat Lundvall
 Pat Lundvall (NSBN 3761)
 Kristen T. Gallagher (NSBN 9561)
 Amanda M. Perach (NSBN 12399)
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 aperach@mcdonaldcarano.com
 Attorneys for Plaintiffs

C2A 7C6 78A1 772B
 Nancy Allf
 District Court Judge

1 **CSERV**

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5
6 Fremont Emergency Services
(Mandavia) Ltd, Plaintiff(s)

CASE NO: A-19-792978-B

7 vs.

DEPT. NO. Department 27

8
9 United Healthcare Insurance
Company, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

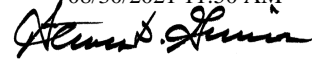
15 Service Date: 8/11/2021

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Attorneys 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,

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

**ORDER GRANTING MOTION TO
 ASSOCIATE COUNSEL JANE L.
 ROBINSON ON ORDER SHORTENING
 TIME**

1 vs.
 2 UNITEDHEALTH GROUP, INC., a Delaware
 3 corporation; UNITED HEALTHCARE
 4 INSURANCE COMPANY, a Connecticut
 5 corporation; UNITED HEALTH CARE
 6 SERVICES INC., dba
 7 UNITEDHEALTHCARE, a Minnesota
 8 corporation; UMR, INC., dba UNITED
 9 MEDICAL RESOURCES, a Delaware
 10 corporation; OXFORD HEALTH PLANS,
 11 INC., a Delaware corporation; SIERRA
 12 HEALTH AND LIFE INSURANCE
 13 COMPANY, INC., a Nevada corporation;
 14 SIERRA HEALTH-CARE OPTIONS, INC., a
 15 Nevada corporation; HEALTH PLAN OF
 16 NEVADA, INC., a Nevada corporation;
 17 DOES 1-10; ROE ENTITIES 11-20,

18 Defendants.

19 Jane L. Robinson filed her Motion to Associate Counsel under Nevada Supreme
 20 Court Rule 42, together with a Verified Application for Association of counsel, Certificate of
 21 Good Standing from Texas and California and the State Bar of Nevada's Statement
 22 Pursuant to Supreme Court Rule 42(3)(b). The Motion was served on all appearing parties
 23 and no objections were filed. Good cause appearing,

24 IT IS HEREBY ORDERED that the Motion is granted and Jane L. Robinson is hereby
 25 admitted to practice in this Court for the purpose of this matter only.

26 DATED this 30th day of August, 2021.

Dated this 30th day of August, 2021

Nancy L Allf

DISTRICT COURT JUDGE

TW

27 Respectfully submitted by:
 28 McDONALD CARANO LLP

E68 342 3EF1 AC65
 Nancy Allf
 District Court Judge

By: /s/ Pat Lundvall
 Pat Lundvall (NSBN 3761)
 Kristen T. Gallagher (NSBN 9561)
 Amanda M. Perach (NSBN 12399)
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 Attorneys for Plaintiffs

1 **CSERV**

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

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6 Fremont Emergency Services
(Mandavia) Ltd, Plaintiff(s)

CASE NO: A-19-792978-B

7 vs.

DEPT. NO. Department 27

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9 United Healthcare Insurance
Company, Defendant(s)

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11 **AUTOMATED CERTIFICATE OF SERVICE**

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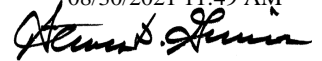
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Attorneys for Plaintiffs

DISTRICT COURT**CLARK COUNTY, NEVADA**

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 CREST EMERGENCY MEDICINE, a
 Nevada professional corporation,

Plaintiffs,

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

**ORDER GRANTING MOTION TO
 ASSOCIATE COUNSEL PATRICK KEVIN
 LEYENDECKER ON ORDER
 SHORTENING TIME**

1 vs.
 2 UNITEDHEALTH GROUP, INC., a Delaware
 3 corporation; UNITED HEALTHCARE
 4 INSURANCE COMPANY, a Connecticut
 5 corporation; UNITED HEALTH CARE
 6 SERVICES INC., dba
 7 UNITEDHEALTHCARE, a Minnesota
 8 corporation; UMR, INC., dba UNITED
 9 MEDICAL RESOURCES, a Delaware
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 11 INC., a Delaware corporation; SIERRA
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 13 COMPANY, INC., a Nevada corporation;
 14 SIERRA HEALTH-CARE OPTIONS, INC., a
 15 Nevada corporation; HEALTH PLAN OF
 16 NEVADA, INC., a Nevada corporation;
 17 DOES 1-10; ROE ENTITIES 11-20,

18 Defendants.

19 Patrick Kevin Leyendecker filed his Motion to Associate Counsel under Nevada
 20 Supreme Court Rule 42, together with a Verified Application for Association of counsel,
 21 Certificate of Good Standing from Texas and the State Bar of Nevada's Statement Pursuant
 22 to Supreme Court Rule 42(3)(b). The Motion was served on all appearing parties, and no
 23 objections were filed. Good cause appearing,

24 IT IS HEREBY ORDERED that the Motion is granted and Patrick Kevin Leyendecker
 25 is hereby admitted to practice in this Court for the purpose of this matter only.

26 DATED this 30th day of August, 2021.

Dated this 30th day of August, 2021

Nancy L. Alf
 DISTRICT COURT JUDGE TW

27 Respectfully submitted by:
 28 McDONALD CARANO LLP

By: /s/ Pat Lundvall
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EF9 09D 7BD6 7796
 Nancy Alf
 District Court Judge

1 **CSERV**

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

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6 Fremont Emergency Services
(Mandavia) Ltd, Plaintiff(s)

CASE NO: A-19-792978-B

7 vs.

DEPT. NO. Department 27

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Company, Defendant(s)

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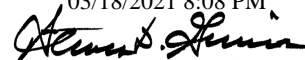
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EXHIBIT C

017884

017884

EXHIBIT C



CLERK OF THE COURT

ORD

1 D. Lee Roberts, Jr., Esq.

2 Nevada Bar No. 8877

3 *lroberts@wwhgd.com*

4 Colby L. Balkenbush, Esq.

5 Nevada Bar No. 13066

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7 Brittany M. Llewellyn, Esq.

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16 *Attorneys for Defendants***DISTRICT COURT****CLARK COUNTY, NEVADA**

13 FREMONT EMERGENCY SERVICES
 14 (MANDAVIA), LTD., a Nevada professional
 15 corporation; TEAM PHYSICIANS OF
 16 NEVADA-MANDAVIA, P.C., a Nevada
 17 professional corporation; CRUM, STEFANKO
 18 AND JONES, LTD. dba RUBY CREST
 19 EMERGENCY MEDICINE, a Nevada
 20 professional corporation,

Plaintiffs,

vs.

21 UNITEDHEALTH GROUP, INC., UNITED
 22 HEALTHCARE INSURANCE COMPANY, a
 23 Connecticut corporation; UNITED HEALTH
 24 CARE SERVICES INC. dba
 25 UNITEDHEALTHCARE, a Minnesota
 26 corporation; UMR, INC. dba UNITED
 27 MEDICAL RESOURCES, a Delaware
 28 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,

Defendants.

Case No.: A-19-792978-B

Dept. No.: 27

ORDER ADMITTING TO PRACTICE

1 Dimitri D. Portnoi, Esq., having filed his Motion to Associate Counsel under Nevada
 2 Supreme Court Rule 42, together with a Verified Petition for Permission to Practice in this Case
 3 Only by Attorney Not Admitted to the Bar of this Court and Designation of Local Counsel,
 4 "Certificate of Good Standing" from the Supreme Court of California, said application having
 5 been noticed, there being no opposition to said application, the Court having considered this
 6 matter at a hearing on March 18, 2021, the Court being fully apprised in the premises, and good
 7 cause appearing, it is hereby:

8 **ORDERED**, that said application is granted and Dimitri D. Portnoi, Esq. is hereby
 9 admitted to practice in the above-entitled Court for the purposes for the above-entitled matter.

11 DATED this 18 day of March, 2021.

12 Dated this 18th day of March, 2021

13 *Nancy L Alf*

14 DISTRICT COURT JUDGE

NB

15 32B 640 8711 D256
 16 Nancy Alf
 District Court Judge

16 Submitted by:

17 /s/ Colby L. Balkenbush

18 D. Lee Roberts, Jr., Esq.

19 Colby L. Balkenbush, Esq.

20 Brittany M. Llewellyn, Esq.

21 WEINBERG, WHEELER, HUDGINS,

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27 *Attorneys for Defendants*



1 **CSERV**

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5
6 Fremont Emergency Services
(Mandavia) Ltd, Plaintiff(s)

CASE NO: A-19-792978-B

7 vs.

DEPT. NO. Department 27

8
9 United Healthcare Insurance
Company, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 3/18/2021

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17 Cindy Bowman	cbowman@wwhgd.com
18 D. Lee Roberts	lroberts@wwhgd.com
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Heather S. Gunn

CLERK OF THE COURT

ORD

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Attorneys for Defendants

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.

UNITEDHEALTH GROUP, INC., 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,

Defendants.

Case No.: A-19-792978-B
Dept. No.: 27

**ORDER ADMITTING TO PRACTICE –
JASON A. ORR**

017889

WEINBERG WHEELER
HUDGINS GUNN & DIAL

017889

Jason A. Orr, Esq., having filed his Motion to Associate Counsel under Nevada Supreme Court Rule 42, together with a Verified Petition for Permission to Practice in this Case Only by Attorney Not Admitted to the Bar of this Court and Designation of Local Counsel, "Certificates of Good Standing" from the Supreme Court of Colorado and the Supreme Court of California, said application having been noticed, there being no opposition to said application, the Court having considered this matter, the Court being fully apprised in the premises, and good cause appearing, it is hereby:

ORDERED, that said application is granted and Jason A. Orr, Esq. is hereby admitted to practice in the above-entitled Court for the purposes for the above-entitled matter.

DATED this 1 day of April, 2021.
Dated this 4th day of April, 2021

Nancy L Alf
DISTRICT COURT JUDGE

NB

488 210 89B9 33CF
Nancy Alf
District Court Judge

Submitted by:

/s/ Colby L. Balkenbush
D. Lee Roberts, Jr., Esq.
Colby L. Balkenbush, Esq.
Brittany M. Llewellyn, Esq.
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Attorneys for Defendants



1 **CSERV**

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5
6 Fremont Emergency Services
(Mandavia) Ltd, Plaintiff(s)

CASE NO: A-19-792978-B

7 vs.

DEPT. NO. Department 27

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9 United Healthcare Insurance
Company, Defendant(s)

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11 **AUTOMATED CERTIFICATE OF SERVICE**

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Adam G. Levine

CLERK OF THE COURT

ORD

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19 *Attorneys for Defendants*

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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.

UNITEDHEALTH GROUP, INC., 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,

Defendants.

Case No.: A-19-792978-B

Dept. No.: 27

**ORDER ADMITTING TO PRACTICE –
ADAM G. LEVINE**

Adam G. Levine, Esq., having filed his Motion to Associate Counsel under Nevada Supreme Court Rule 42, together with a Verified Petition for Permission to Practice in this Case Only by Attorney Not Admitted to the Bar of this Court and Designation of Local Counsel, "Certificates of Good Standing" from the Supreme Court of California, said application having been noticed, there being no opposition to said application, the Court having considered this matter, the Court being fully apprised in the premises, and good cause appearing, it is hereby:

ORDERED, that said application is granted and Adam G. Levine, Esq. is hereby admitted to practice in the above-entitled Court for the purposes for the above-entitled matter.

DATED this 1 day of April, 2021.

Dated this 4th day of April, 2021

Nancy L Alf

DISTRICT COURT JUDGE

049 F01 DF46 B236
Nancy Alf
District Court Judge

NB

Submitted by:

/s/ Colby L. Balkenbush

D. Lee Roberts, Jr., Esq.

Colby L. Balkenbush, Esq.

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Attorneys for Defendants



1 **CSERV**

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5
6 Fremont Emergency Services
(Mandavia) Ltd, Plaintiff(s)

CASE NO: A-19-792978-B

7 vs.

DEPT. NO. Department 27

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9 United Healthcare Insurance
Company, Defendant(s)

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Hannah E. Dunham

CLERK OF THE COURT

ORD

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10 *Attorneys for Defendants*

DISTRICT COURT**CLARK COUNTY, NEVADA**

13
14 FREMONT EMERGENCY SERVICES
(MANDAVIA), LTD., a Nevada professional
15 corporation; TEAM PHYSICIANS OF
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18 Plaintiffs,

19 vs.

20 UNITEDHEALTH GROUP, INC., UNITED
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21 Connecticut corporation; UNITED HEALTH
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OPTIONS, INC., a Nevada corporation;
26 HEALTH PLAN OF NEVADA, INC., a Nevada
corporation; DOES 1-10; ROE ENTITIES 11-20,

27
28 Defendants.

Case No.: A-19-792978-B
Dept. No.: 27

**ORDER ADMITTING TO PRACTICE –
HANNAH E. DUNHAM**



Hannah E. Dunham, Esq., having filed his Motion to Associate Counsel under Nevada Supreme Court Rule 42, together with a Verified Petition for Permission to Practice in this Case Only by Attorney Not Admitted to the Bar of this Court and Designation of Local Counsel, "Certificates of Good Standing" from the Supreme Court of California, said application having been noticed, there being no opposition to said application, the Court having considered this matter, the Court being fully apprised in the premises, and good cause appearing, it is hereby:

ORDERED, that said application is granted and Hannah E. Dunham, Esq. is hereby admitted to practice in the above-entitled Court for the purposes for the above-entitled matter.

DATED this 1 day of April, 2021.

Dated this 4th day of April, 2021

Nancy L Alf
DISTRICT COURT JUDGE

NB

35B E83 9F84 191C
Nancy Alf
District Court Judge

Submitted by:

/s/ Colby L. Balkenbush

D. Lee Roberts, Jr., Esq.

Colby L. Balkenbush, Esq.

Brittany M. Llewellyn, Esq.

WEINBERG, WHEELER, HUDGINS,

GUNN & DIAL, LLC

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Facsimile: (702) 938-3864

Attorneys for Defendants

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WEINBERG WHEELER
HUDGINS GUNN & DIAL



017898

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Fremont Emergency Services
7 (Mandavia) Ltd, Plaintiff(s)

CASE NO: A-19-792978-B

8 vs.

DEPT. NO. Department 27

9 United Healthcare Insurance
10 Company, Defendant(s)

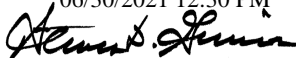
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CLERK OF THE COURT

ORD

1 D. Lee Roberts, Jr., Esq.

2 Nevada Bar No. 8877

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4 Colby L. Balkenbush, Esq.

5 Nevada Bar No. 13066

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New York, NY 10036

DISTRICT COURT**CLARK COUNTY, NEVADA**

14 FREMONT EMERGENCY SERVICES
 15 (MANDAVIA), LTD., a Nevada professional
 16 corporation; TEAM PHYSICIANS OF
 17 NEVADA-MANDAVIA, P.C., a Nevada
 18 professional corporation; CRUM, STEFANKO
 19 AND JONES, LTD. dba RUBY CREST
 20 EMERGENCY MEDICINE, a Nevada
 21 professional corporation,

Plaintiffs,

vs.

21 UNITEDHEALTH GROUP, INC., UNITED
 22 HEALTHCARE INSURANCE COMPANY, a
 23 Connecticut corporation; UNITED HEALTH
 24 CARE SERVICES INC. dba
 25 UNITEDHEALTHCARE, a Minnesota
 26 corporation; UMR, INC. dba UNITED
 27 MEDICAL RESOURCES, a Delaware
 28 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,

Defendants.

Case No.: A-19-792978-B

Dept. No.: 27

**ORDER ADMITTING TO PRACTICE –
 NADIA LAURA FARJOOD, ESQ.**



Nadia Laura Farjood, Esq., having filed her Motion to Associate Counsel under Nevada Supreme Court Rule 42, together with a Verified Petition for Permission to Practice in this Case Only by Attorney Not Admitted to the Bar of this Court and Designation of Local Counsel, "Certificate of Good Standing" from the Supreme Court of California, said application having been noticed, there being no opposition to said application, the Court having considered this matter, the Court being fully apprised in the premises, and good cause appearing, it is hereby:

ORDERED, that said application is granted and Nadia Laura Farjood, Esq. is hereby admitted to practice in the above-entitled Court for the purposes for the above-entitled matter.

DATED this 25 day of June, 2021.
~~Dated this 30th day of June, 2021.~~

Nancy L Allf
 DISTRICT COURT JUDGE

TW

D1A 8A8 9CA2 287C
Nancy Allf
District Court Judge

Submitted by:

/s/ Brittany M. Llewellyn
 D. Lee Roberts, Jr., Esq.
 Colby L. Balkenbush, Esq.
 Brittany M. Llewellyn, Esq.
 WEINBERG, WHEELER, HUDGINS,
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Attorneys for Defendants

017902

WEINBERG WHEELER
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017902

1 **CSERV**

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5
6 Fremont Emergency Services
(Mandavia) Ltd, Plaintiff(s)

CASE NO: A-19-792978-B

7 vs.

DEPT. NO. Department 27

8
9 United Healthcare Insurance
Company, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 6/30/2021

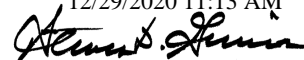
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16 *Attorneys for Defendants***DISTRICT COURT****CLARK COUNTY, NEVADA**

13 FREMONT EMERGENCY SERVICES
 14 (MANDAVIA), LTD., a Nevada professional
 15 corporation; TEAM PHYSICIANS OF
 16 NEVADA-MANDAVIA, P.C., a Nevada
 17 professional corporation; CRUM, STEFANKO
 18 AND JONES, LTD. dba RUBY CREST
 19 EMERGENCY MEDICINE, a Nevada
 20 professional corporation,

21 Plaintiffs,

22 vs.

23 UNITEDHEALTH GROUP, INC., UNITED
 24 HEALTHCARE INSURANCE COMPANY, a
 25 Connecticut corporation; UNITED HEALTH
 26 CARE SERVICES INC. dba
 27 UNITEDHEALTHCARE, a Minnesota
 28 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,

Defendants.

Case No.: A-19-792978-B

Dept. No.: 27

ORDER ADMITTING TO PRACTICE

1 K. Lee Blalack, II, Esq., having filed his Motion to Associate Counsel under Nevada
 2 Supreme Court Rule 42, together with a Verified Petition for Permission to Practice in this Case
 3 Only by Attorney Not Admitted to the Bar of this Court and Designation of Local Counsel,
 4 "Certificate of Good Standing" from the District of Columbia Court of Appeals, Supreme Court
 5 of Tennessee, and Court of Appeals of Maryland, said application having been noticed, there
 6 being no opposition to said application, the Court having considered this matter, the Court being
 7 fully apprised in the premises, and good cause appearing, it is hereby:

8 **ORDERED**, that said application is granted and K. Lee Blalack, II, Esq. is hereby
 9 admitted to practice in the above-entitled Court for the purposes for the above-entitled matter.

11 DATED this ____ day of December, 2020.

12 Dated this 29th day of December, 2020

13 *Nancy L Alf*

14 DISTRICT COURT JUDGE

15 4D8 5EC 838A B7AC
 16 Nancy Alf
 District Court Judge

16 Submitted by:

17 /s/ Colby L. Balkenbush

18 D. Lee Roberts, Jr., Esq.

19 Colby L. Balkenbush, Esq.

20 Brittany M. Llewellyn, Esq.

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27 *Attorneys for Defendants*



1 **CSERV**

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5
6 Fremont Emergency Services
(Mandavia) Ltd, Plaintiff(s)

CASE NO: A-19-792978-B

7 vs.

DEPT. NO. Department 27

8
9 United Healthcare Insurance
Company, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 12/29/2020

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Heather S. Gunn

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Attorneys for Defendants

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.

UNITEDHEALTH GROUP, INC., 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,

Defendants.

Case No.: A-19-792978-B
Dept. No.: 27

**ORDER ADMITTING TO PRACTICE –
JEFFREY E. GORDON**

017910

WEINBERG WHEELER
HUDGINS GUNN & DIAL

017910

Jeffrey E. Gordon, Esq., having filed his Motion to Associate Counsel under Nevada Supreme Court Rule 42, together with a Verified Petition for Permission to Practice in this Case Only by Attorney Not Admitted to the Bar of this Court and Designation of Local Counsel, "Certificates of Good Standing" from the Court of Appeals of Maryland and District of Columbia Court of Appeals, said application having been noticed, there being no opposition to said application, the Court having considered this matter, the Court being fully apprised in the premises, and good cause appearing, it is hereby:

ORDERED, that said application is granted and Jeffrey E. Gordon, Esq. is hereby admitted to practice in the above-entitled Court for the purposes for the above-entitled matter.

DATED this 1 day of April, 2021.

Dated this 4th day of April, 2021

Nancy L Alf

DISTRICT COURT JUDGE

NB

60A 2B2 632A 66D2
Nancy Alf
District Court Judge

Submitted by:

/s/ Colby L. Balkenbush

D. Lee Roberts, Jr., Esq.

Colby L. Balkenbush, Esq.

Brittany M. Llewellyn, Esq.

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Attorneys for Defendants



1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Fremont Emergency Services
7 (Mandavia) Ltd, Plaintiff(s)

CASE NO: A-19-792978-B

8 vs.

DEPT. NO. Department 27

9 United Healthcare Insurance
10 Company, Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 4/4/2021

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Heather S. Linn

CLERK OF THE COURT

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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
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Plaintiffs,

vs.

UNITEDHEALTH GROUP, INC., UNITED
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OPTIONS, INC., a Nevada corporation;
HEALTH PLAN OF NEVADA, INC., a Nevada
corporation; DOES 1-10; ROE ENTITIES 11-20,

Defendants.

Case No.: A-19-792978-B
Dept. No.: 27

**ORDER ADMITTING TO PRACTICE –
KEVIN D. FEDER**

017914

WEINBERG WHEELER
HUDGINS GUNN & DIAL

017914

Kevin D. Feder, Esq., having filed his Motion to Associate Counsel under Nevada Supreme Court Rule 42, together with a Verified Petition for Permission to Practice in this Case Only by Attorney Not Admitted to the Bar of this Court and Designation of Local Counsel, "Certificates of Good Standing" from the District of Columbia Court of Appeals and the Supreme Court of California, said application having been noticed, there being no opposition to said application, the Court having considered this matter, the Court being fully apprised in the premises, and good cause appearing, it is hereby:

ORDERED, that said application is granted and Kevin D. Feder, Esq. is hereby admitted to practice in the above-entitled Court for the purposes for the above-entitled matter.

DATED this 7 day of June, 2021.

Dated this 7th day of June, 2021

Nancy L Allf

DISTRICT COURT JUDGE

TW

EC8 3FA DBE2 0C42
Nancy Allf
District Court Judge

Submitted by:

/s/ Colby L. Balkenbush

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Attorneys for Defendants



1 **CSERV**

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5
6 Fremont Emergency Services
(Mandavia) Ltd, Plaintiff(s)

CASE NO: A-19-792978-B

7 vs.

DEPT. NO. Department 27

8
9 United Healthcare Insurance
Company, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12
13 This automated certificate of service was generated by the Eighth Judicial District
14 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:

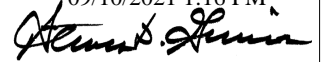
15 Service Date: 6/7/2021

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

22 FREMONT EMERGENCY SERVICES
23 (MANDAVIA), LTD., a Nevada professional
24 corporation; TEAM PHYSICIANS OF
25 NEVADA-MANDAVIA, P.C., a Nevada
26 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

**ORDER ADMITTING TO PRACTICE -
JASON YAN, ESQ.**



1 UNITEDHEALTH GROUP, INC., UNITED
 2 HEALTHCARE INSURANCE COMPANY, a
 3 Connecticut corporation; UNITED HEALTH
 4 CARE SERVICES INC. dba
 5 UNITEDHEALTHCARE, a Minnesota
 6 corporation; UMR, INC. dba UNITED
 7 MEDICAL RESOURCES, a Delaware
 8 corporation; OXFORD HEALTH PLANS, INC.,
 9 a Delaware corporation; SIERRA HEALTH AND
 10 LIFE INSURANCE COMPANY, INC., a Nevada
 11 corporation; SIERRA HEALTH-CARE
 12 OPTIONS, INC., a Nevada corporation;
 13 HEALTH PLAN OF NEVADA, INC., a Nevada
 14 corporation; DOES 1-10; ROE ENTITIES 11-20,
 15
 16 Defendants.

17 Jason Yan, Esq., having filed his Motion to Associate Counsel under Nevada Supreme
 18 Court Rule 42, together with a Verified Petition for Permission to Practice in this Case Only by
 19 Attorney Not Admitted to the Bar of this Court and Designation of Local Counsel, "Certificate of
 20 Good Standing" from the Virginia State Bar and the District of Columbia Court of Appeals, said
 21 application having been noticed, there being no opposition to said application, the Court having
 22 considered this matter, the Court being fully apprised in the premises, and good cause appearing,
 23 it is hereby:

24 **ORDERED**, that said application is granted and Jason Yan, Esq. is hereby admitted to
 25 practice in the above-entitled Court for the purposes for the above-entitled matter.

26 DATED this 9th day of September, 2021.
 27 Dated this 10th day of September, 2021

28 Nancy L. Alif
 DISTRICT COURT JUDGE

TW

Submitted by:

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 Nancy Alif
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1 **CSERV**

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5
6 Fremont Emergency Services
(Mandavia) Ltd, Plaintiff(s)

CASE NO: A-19-792978-B

7 vs.

DEPT. NO. Department 27

8
9 United Healthcare Insurance
Company, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Order Admitting to Practice was served via the court's electronic eFile
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Heather S. Hume

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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.

UNITEDHEALTH GROUP, INC., 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,

Defendants.

Case No.: A-19-792978-B
Dept. No.: 27

**ORDER ADMITTING TO PRACTICE –
PAUL J. WOOTEN**

017926

WEINBERG WHEELER
HUDGINS GUNN & DIAL

017926

Paul J. Wooten, Esq., having filed his Motion to Associate Counsel under Nevada Supreme Court Rule 42, together with a Verified Petition for Permission to Practice in this Case Only by Attorney Not Admitted to the Bar of this Court and Designation of Local Counsel, "Certificates of Good Standing" from the Appellate Division of the Supreme Court of the State of New York, First Judicial Department, said application having been noticed, there being no opposition to said application, the Court having considered this matter, the Court being fully apprised in the premises, and good cause appearing, it is hereby:

ORDERED, that said application is granted and Paul J. Wooten, Esq. is hereby admitted to practice in the above-entitled Court for the purposes for the above-entitled matter.

DATED this 1 day of April, 2021.
Dated this 4th day of April, 2021

Nancy L Alf
DISTRICT COURT JUDGE

D99 E35 D2FA 1917
Nancy Alf
District Court Judge

NB

Submitted by:

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1 **CSERV**

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5
6 Fremont Emergency Services
(Mandavia) Ltd, Plaintiff(s)

CASE NO: A-19-792978-B

7 vs.

DEPT. NO. Department 27

8
9 United Healthcare Insurance
Company, Defendant(s)

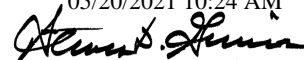
10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12
13 This automated certificate of service was generated by the Eighth Judicial District
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DISTRICT COURT**CLARK COUNTY, NEVADA**

14 FREMONT EMERGENCY SERVICES
 15 (MANDAVIA), LTD., a Nevada professional
 16 corporation; TEAM PHYSICIANS OF
 17 NEVADA-MANDAVIA, P.C., a Nevada
 18 professional corporation; CRUM, STEFANKO
 19 AND JONES, LTD. dba RUBY CREST
 20 EMERGENCY MEDICINE, a Nevada
 21 professional corporation,

22 Plaintiffs,

23 vs.

24 UNITEDHEALTH GROUP, INC., UNITED
 25 HEALTHCARE INSURANCE COMPANY, a
 26 Connecticut corporation; UNITED HEALTH
 27 CARE SERVICES INC. dba
 28 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,

Defendants.

Case No.: A-19-792978-B
 Dept. No.: 27

**ORDER ADMITTING TO PRACTICE –
PHILIP E. LEGENDY**

Philip E. Legendy, Esq., having filed his Motion to Associate Counsel under Nevada Supreme Court Rule 42, together with a Verified Petition for Permission to Practice in this Case Only by Attorney Not Admitted to the Bar of this Court and Designation of Local Counsel, "Certificates of Good Standing" from the Appellate Division of the Supreme Court of the State of New York, Second Judicial Department and the Supreme Court of New Jersey, said application having been noticed, there being no opposition to said application, the Court having considered this matter, the Court being fully apprised in the premises, and good cause appearing, it is hereby:

ORDERED, that said application is granted and Philip E. Legendy, Esq. is hereby admitted to practice in the above-entitled Court for the purposes for the above-entitled matter.

DATED this 2 day of May, 2021.

Dated this 20th day of May, 2021

Nancy L Allf
DISTRICT COURT JUDGE

NB

FEA C6A 9789 66AF
Nancy Allf
District Court Judge

Submitted by:

/s/ Colby L. Balkenbush

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Attorneys for Defendants



1 **CSERV**

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5
6 Fremont Emergency Services
(Mandavia) Ltd, Plaintiff(s)

CASE NO: A-19-792978-B

7 vs.

DEPT. NO. Department 27

8
9 United Healthcare Insurance
Company, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
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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

**REPLY IN SUPPORT OF
SUPPLEMENTAL ATTORNEYS'
FEES REQUEST**

The Court entered Judgment in favor of each plaintiff which included, in relevant part, an award for "its costs of action and attorneys' fees, if any, in amounts to be

determined hereafter.” See March 9, 2022 Judgment.

In compliance with NRCP 54(d)(2)(B)(i), the Health Care Providers timely moved for an award of attorneys’ fees. See Health Care Providers’ Motion for Attorneys’ Fees filed March 30, 2022. Defendants did not object to the timeliness of Health Care Providers’ motion for attorneys’ fees. In its motion practice, the Health Care Providers requested permission “to supplement their request with the attorneys’ fees being incurred post-judgment practice in this case.” See Health Care Providers’ Reply in Support of Motion for Attorneys’ Fees, 13:9-10. The hearing on the Health Care Providers’ motion for attorneys’ fees was scheduled for June 29, 2022. See Court’s Docket.

On June 24, 2022, the Health Care Providers filed a notice identifying the supplemental attorneys’ fees incurred in addressing all of the post-trial matters raised by Defendants, of which there were many. In ruling upon the Health Care Providers’ motion for attorneys’ fees the Court noted: “37. Finally, the Court notes that after filing the Motion [for Attorneys’ Fees], 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.” See Order Approving Plaintiffs’ Motion for Attorneys’ Fees filed August 1, 2022, 10:27-28, 11:1.

Defendants filed their response to the supplemental request on June 28, 2022. In that response Defendants advance two basic arguments:

1. A number of procedural contentions which all contend that the Health Care Providers’ supplemental request for attorneys’ fees was untimely; and
2. Using the exact same analysis as originally advanced in their opposition to Health Care Providers’ motion for attorneys’ fees, Defendants suggest the fees being requested in the supplement are unreasonable. Each argument is addressed in turn below.

...

...

1 **I. HEALTH CARE PROVIDERS' SUPPLEMENTAL ATTORNEYS' FEES REQUEST**
2 **WAS TIMELY.**

3 Until a party stops advancing the same non-meritorious arguments again and again,
4 the opposing party continues to incur attorneys' fees addressing such arguments. In other
5 words, attorneys' fees are ongoing expenses as long as a case continues. Attorney
6 invoices also require a fair amount of processing before a client, like the Health Care
7 Providers, conclude they are payable. That processing creates a relatively significant time
8 lag between when a task may be performed and a client pays for the expense of that
9 performance. The extensiveness of that processing, however, ensures that the attorneys'
10 fees incurred and paid are in fact reasonable and comport with the agreement reached
11 between client and attorney.

12 Nevada Rule of Civil Procedure 54(d)(2)(B) identifies the timing of any motion for
13 attorneys' fees. The Health Care Providers' motion for attorneys' fees was timely, and
14 was found to be so by the Court. See August 1, 2022 Order Approving Plaintiffs' Motion
15 for Attorneys' Fees ("The Motion was timely pursuant to NRCP 54(d)(B)(i)."). In their
16 motion practice, the Health Care Providers sought permission to supplement their original
17 submission due to the ongoing nature of this case and the known time lag in processing
18 attorney fee invoices. Therefore, Defendants cannot legitimately suggest they were
19 surprised when the Health Care Providers actually did supplement their original request
20 with a request for reimbursement of the attorneys' fees incurred in addressing the many
21 post-verdict motions and other issues raised by Defendants. And Defendants cannot
22 legitimately complain they did not have an opportunity to address the supplemental
23 request since the Court expressly stated it would not address the supplemental request
24 until after Defendants had an opportunity to file a response thereto. In other words, there
25 is no surprise or prejudice that can be legitimately claimed by Defendants.

26 Moreover, the Health Care Providers' method of supplemental request is one used
27 by this Court before and has been sanctioned as acceptable by the Nevada Supreme
28 Court. See, for example, *WLNS Investments LLC v. Fayad*, No. A-20-813011-B at **3,

1 Nev. Dist. Ct., April 6, 2022 (J. Allf presiding); and *Barney v. Mt. Rose Heating & Air*
 2 *Conditioning*, 127 Nev. 1118, 373 P.3d 894 (2011) (district court did not abuse its
 3 discretion in finding as timely a supplemental request for attorneys' fees and a second
 4 supplemental request allowing the prevailing party to recover all attorneys' fees to which
 5 it was entitled). The Court has considerable discretion in addressing the timeliness of such
 6 requests. *Davidsohn v. Steffens*, 112 Nev. 136, 139, 911 P.2d 855, 857 (1996). There is
 7 literally no argument that the Court may abuse its discretion in finding the supplemental
 8 request timely.

9 Related to their timeliness argument, Defendants further contend that over 60% of
 10 the attorneys' fees identified in the supplement were incurred before the motion was filed.
 11 Defendants misread both the supplement and the invoices submitted by the Health Care
 12 Providers in their supplement in advancing that argument. Certain of the invoices included
 13 out-of-pocket costs incurred pre-verdict since not all vendors timely submitted invoices for
 14 payment. Therefore, certain invoices state on their face that they cover pre-verdict
 15 timeframes. But a simple examination of the time entries for *all* invoices concern attorney
 16 fee tasks performed post-verdict. For example: all time entries for McDonald Carano LLP
 17 cover attorney fee tasks performed in January through April 2022; all time entries for AZA
 18 cover attorney fee tasks performed in January through May 2022; and all time entries for
 19 Lash & Goldberg cover attorney fee tasks performed in February 2022. None are for pre-
 20 verdict tasks as suggested by Defendants and by including the actual invoices as part of
 21 the supplement, the Health Care Providers have not hid anything or tried anything "sneaky"
 22 as alleged by Defendants.

23 **II. THE COURT REJECTED EACH OF THE ARGUMENTS RAISED BY**
 24 **DEFENDANTS ADDRESSING THE REASONABLENESS OF THE**
 25 **SUPPLEMENTAL FEES REQUESTED.**

26 Defendants begin this section of their response by contending "the Improper
 27 Supplement is Plagued with the Same Problems as the Motion." Defendants then go on
 28 to advance the exact same arguments as they advanced in their original opposition to the
 Health Care Providers' motion for attorneys' fees.

1 The Court has addressed and rejected each and every one of those arguments.
 2 See August 1, 2022 Order. The Health Care Providers respectfully request that the Court
 3 apply its same reasoning as before and reject those exact same arguments as before. If
 4 the Court does so, then the Health Care Providers acknowledge that their supplemental
 5 request of \$835,041.00 would be reduced by 10% for a total additional award of
 6 \$751,536.90. Such an award is reasonable, especially as one notes the bulk of such an
 7 award was incurred addressing the repeated, non-meritorious positions advanced by
 8 Defendants post-verdict and the many "sealing" issues raised by defendants post-trial.

9 Dated this 22nd 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 22nd day of August, 2022, I caused a true and correct copy of the foregoing to be 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

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STEFANKO AND JONES, LTD. dba RUBY
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Plaintiffs,

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Case No.: A-19-792978-B
Dep't 27

[Hearing Not Requested]

**OBJECTION TO PLAINTIFFS'
PROPOSED ORDERS DENYING
RENEWED MOTION FOR
JUDGMENT AS A MATTER OF LAW
AND MOTION FOR NEW TRIAL**

1 UNITED HEALTHCARE INSURANCE
 2 COMPANY, a Connecticut corporation;
 3 UNITED HEALTH CARE SERVICES INC., dba
 4 UNITEDHEALTHCARE, a Minnesota
 5 corporation; UMR, INC., dba UNITED
 6 MEDICAL RESOURCES, a Delaware
 7 corporation; SIERRA HEALTH AND LIFE
 8 INSURANCE COMPANY, INC., a Nevada
 9 corporation; HEALTH PLAN OF NEVADA,
 10 INC., a Nevada corporation,
 11
 12 Defendants.

13 Defendants object to the proposed “Order Denying Defendants’ Renewed
 14 Motion for Judgment as a Matter of Law” and “Order Denying Defendants’
 15 Motion for New Trial” for the reasons stated in their post-trial briefs and pre-
 16 trial briefing (such as motions in limine or motions to compel) on the same
 17 subjects. In addition, defendants object to the following specific areas where the
 18 orders overreach or otherwise include findings for which this Court has not
 19 indicated any support.

20 **OBJECTION TO ORDER DENYING RENEWED**
 21 **MOTION FOR JUDGMENT AS A MATTER OF LAW**

22 **A. The Order Should Not Have Findings**
 23 **of Fact, Particularly Inaccurate Ones**

24 Initially, an order regarding judgment as a matter of law should not
 25 include “findings of fact”; all determinations are supposed to be “as a matter of
 26 law.” In particular, it is inappropriate for the Court to select FAIR Health alone
 27 as “the industry-standard approach” (JMOL Order ¶ 5) when the cited
 28 testimony indicates that both FAIR Health and MultiPlan—the service plaintiffs
 criticize defendants for using—are “widely used” in the industry. (See 11/12/21
 Tr. at 14:9–13, 17:1–9.) Plaintiffs’ proposed order also describes Sound
 Physicians as “United’s own physician-staffing group” (JMOL Order ¶ 19). The
 JMOL order defines “United” as collectively including all named defendants,
 but there is no evidence indicating that defendants—as opposed to nonparty
 Optum, Inc., a subsidiary of nonparty UnitedHealth Group, Inc.—own Sound

Physicians. (11/17/2021 Tr. at 254:15-21 (Plaintiffs’ witness, Dr. Robert Frantz, testifying that he only generally knows that Sound Physicians is “owned by Optum, which is a company that’s owned by United Healthcare”; but “United Healthcare” is nondescript, so he did not testify that a named defendant owned Sound Physicians); 11/18/2021 Tr. 280:6-9 (Defendants’ expert, Mr. Bruce Deal, testifying that he does not know if “Sound Physicians is owned by one of the United entities” named as a defendant); UnitedHealth Group, Inc., SEC Form 10-K filed for the Fiscal Year Ended December 31, 2021, Exhibit at 21.1 (listing Optum as a subsidiary of UnitedHealth Group, Inc, and not a named defendant), *available at* <https://www.sec.gov/Archives/edgar/data/731766/000073176622000008/unhex21112312021.htm>.)

B. Plaintiffs Brought a Claim under NRS 686A.310, Not NRS 686A.020

Troubling also is the order’s reliance on NRS 686A.020 as the statutory authority for plaintiffs’ claim under the Unfair Claims Practices Act, NRS 686A.310. (JMOL Order ¶ 33.) The only statute relevant to that claim is the one that was submitted to the jury: NRS 686A.310. Plaintiffs would have this Court find that any “person” under NRS 686A.020 could be held liable in a private suit for violating the Act, essentially reading the language creating the private right of action in NRS 686A.310(2)—that “an *insurer* is liable to its insured”—out of the statute. Reliance on the word “person” in NRS 686A.020 also renders superfluous myriad other statutes, including the provision in NRS 684A.035 that expressly extends liability under NRS 686A.310 to adjusters.¹

¹ **NRS 684A.035 Applicability of other provisions.**

1. The provisions of NRS 683A.341 and 686A.310 apply to adjusters.

2. For the purposes of subsection 1, unless the context requires that a section apply only to producers of insurance or insurers, any reference in those

OBJECTION TO ORDER DENYING DEFENDANTS' MOTION FOR NEW TRIAL

A. The Order Improperly Defines the FAIR Health 80th Percentile as "Reasonable and Customary"

The order denying a new trial repeats some of the same errors—such as identifying Sound Physicians as owned by defendants (MNT Order ¶ 10)—and exacerbates others. Case in point: the proposed order goes beyond selecting FAIR Health as “the industry standard”; it actually holds that the provider’s billed charges are “reasonable and customary rates” so long as “it did not exceed the 80th percentile of charges in the FAIR Health database.” (MNT Order ¶ 2 (describing this as the “‘traditional’ reimbursement approach”).) The jury, of course, made no such finding, and the damages awarded are plainly inconstant with the notion that the 80th percentile of FAIR Health is *per se* reasonable and customary. The jury awarded far less than that. The finding also improperly suggests that defendants could be held liable to this standard merely because they sometimes (or, in plaintiffs’ rendering, “typically”) paid these amounts to other providers.

B. The Order Undermines this Court’s Prior Rulings

1. Contrary to the Proposed Order, this Court Had Already Barred Discovery of Clinical Records

Just as dangerous, the order seeks to retrospectively rewrite the Court’s discovery rulings to make it seem as though they were not as broad as this Court, time after time, confirmed that they were. Plaintiffs’ proposal would have the Court find that defendants had plaintiffs’ clinical records but “did not intend to offer” them at trial. (MNT Order ¶ 22.) Yet this ignores that this Court had ruled a year before, on October 26, 2020, that plaintiffs’ clinical records were irrelevant and not discoverable. (Contrary to the order’s

sections to “producer of insurance” or “insurer” must be replaced by a reference to “adjuster.”

1 implication, defendants did not have, and so were unable to proffer, all of
2 plaintiffs' clinical records.) Based on the Court's prior ruling about the
3 irrelevance and nondiscoverability, defendants were unable to rebut plaintiffs'
4 contention that they actually performed the services billed. They could not
5 produce an expert analysis or offer of proof on upcoding which would have relied
6 on evidence that, due to these discovery rulings, defendants did not have.

7 **2. *Contrary to the Proposed Order, this Court Had Held***
8 ***that Plaintiffs' Bad-Faith Claim Was Irrelevant***
9 ***without the Need for a Further "Offer of Proof"***

10 The order also holds—inconsistently—that defendants were properly
11 precluded from confronting plaintiffs with their abandoned claim of tortious bad
12 faith (paragraph 209 of the first amended complaint) because that “dropped
13 claim was irrelevant to the matters at issue in trial” (MNT Order ¶ 59) while
14 simultaneously blaming defendants for not objecting at trial to introducing the
15 claim (MNT Order ¶ 60). The Court ruled that the issue would be revisited only
16 if plaintiffs “open[ed] the door at the time of trial,” but it is not clear under the
17 Court's categorical ruling of irrelevance how the door could ever have opened.
18 It is true that plaintiffs never suggested at trial that they had a claim for
19 tortious bad faith so as to “open the door”; they did so only in post-judgment
20 motions seeking to evade the punitive-damages cap. As the door never opened,
21 the Court's general prohibition as discussed in the in limine ruling stood to
22 preserve the issue. The proposed order indicates that defendants did not “make
23 an offer of proof,” but that is nonsense here: the proof was paragraph 209 itself,
24 an offer that had been extensively briefed in defendant's motion in limine on the
25 issue.

26 **C. The Order Relies on an Outdated**
27 **Standard for Punitive Damages**

28 The order insists that the appropriate amount of punitive damages “is a
direct function of what is necessary to deter future conduct and punishment for

1 past conduct.” (MNT Order ¶ 149.) The “necessary to deter future misconduct”
2 standard, however, formed part of Nevada’s prior jurisprudence that was
3 expressly discarded in *Bongiovi v. Sullivan*, which instead adopted the federal
4 guideposts in *BMW v. Gore*. See 122 Nev. 556, 582, 138 P.3d 433, 451 (2006)
5 (quoting and abrogating *Ace Truck v. Kahn*, 103 Nev. 503, 510, 746 P.2d 132,
6 1337 (1987) and adopting *BMW of North America, Inc. v. Gore*, 517 U.S. 559,
7 575 (1996)).

8 Integral to the old Nevada standard was the “financial annihilation rule,”
9 an amount “sufficient to punish a wrongdoer and deter others from acting in a
10 similar manner without financially annihilating the defendant.” *Ace Truck &*
11 *Equip. Rentals, Inc. v. Kahn*, 103 Nev. 503, 507, 746 P.2d 132, 135 (1987).
12 Critically, however, none of the *BMW v. Gore* guideposts—reprehensibility,
13 ratio of compensatory to punitive damages, or comparable civil and criminal
14 penalties—directly takes into account the size or market share of the defendant.

15 Plaintiffs’ reliance on the old Nevada rule to justify the evidence of
16 defendants’ Nevada market share is therefore misplaced. (See MNT Order
17 ¶¶ 149-50.)

18 **D. The Order Does Not Fully Describe**
19 **the Implied-in-Fact Contract**

20 The order correctly, if incompletely, states the plaintiffs’ argument for an
21 implied-in-fact contract: “Plaintiffs provided emergency care to United’s
22 members, and in return, Defendants were obligated to reimburse Plaintiffs at a
23 reasonable rate for that care.” Defendants maintain, however, that the
24 plaintiffs’ commitment was “pursuant to their statutory obligations,” and the
25 order should so state.

26 **E. Plaintiffs’ Order Mischaracterizes the Condition Precedent**

27 Plaintiffs seek to justify the denial of an instruction on conditions
28 precedent by reducing the possible condition to “if Plaintiffs provided care to

1 someone for whom Defendants were not financially responsible” and
2 proclaiming that condition “already clear to the jury from the presentation and
3 instructions.” (MNT Order ¶ 186.) The order ignores, however, another
4 condition: if plaintiffs did not submit a claim for reimbursement, there could be
5 no recovery. To further confuse matters, plaintiffs also interject that there was
6 no evidence that any condition had been *waived* (i.e., so as to excuse plaintiffs’
7 failure to fulfill the condition), but if anything, this merely highlights the need
8 to instruct the jury on conditions that were in force and never waived—
9 particularly in a case where plaintiffs were seeking punitive damages for
10 supposedly reprehensible conduct yet had not always fulfilled the preconditions
11 for reimbursement.

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Dated this 13th day of September, 2022.

LEWIS ROCA ROTHGERBER CHRISTIE LLP

By /s/ Abraham G. Smith

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CERTIFICATE OF SERVICE

I hereby certify that on the September 13, 2022, service of the above and foregoing "Objection to Plaintiffs' Proposed Orders Denying Defendants' Renewed Motion for Judgment as a Matter of Law and Motion for New Trial" was made upon each of the parties via electronic service through the Eighth Judicial District Court's Odyssey E-file and Serve system.

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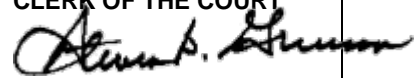
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5 DISTRICT COURT

6 CLARK COUNTY, NEVADA

7 FREMONT EMERGENCY SERVICES (MANDAVIA) LTD,)

8 Plaintiff,)

9 v.)

CASE NO.: A-19-792978-B

10 UNITED HEALTHCARE INSURANCE COMPANY,)

11 Defendant.)

DEPT. NO.: XXVII

13 BEFORE THE HONORABLE NANCY ALLE, DISTRICT COURT JUDGE

14 THURSDAY, SEPTEMBER 22, 2022

15 **RECORDER'S TRANSCRIPT OF HEARING RE:**
16 **HEARING**

17 APPEARANCES:

18 FOR THE PLAINTIFF:

PATRICIA K. LUNDVALL, ESQ.
JOSEPH Y. AHMAD, ESQ.
KEVIN LEYENDECKER, ESQ.
JASON S. MCMANIS, ESQ.
(VIA VIDEOCONFERENCE)

21 FOR THE DEFENDANT:

COLBY L. BALKENBUSH, ESQ.
DANIEL F. POLSENBERG, ESQ.
(VIA VIDEOCONFERENCE)

25 RECORDED BY: BRYNN WHITE, COURT RECORDER

1 Las Vegas, Nevada; Thursday, September 22, 2022

2 [Proceeding commenced at 10:03 a.m.]

3
4 THE COURT: *Fremont Emergency Services versus United*
5 *Healthcare*. And I'll ask you to make your appearances on the record
6 starting first with the plaintiff.

7 MS. LUNDVALL: Good morning, Your Honor. Pat Lundvall
8 from McDonald Carano here on behalf of the health care provider.

9 THE COURT: Thank you.

10 MR. AHMAD: And Joe Ahmad and Kevin Leyendecker also on
11 behalf of the health care provider.

12 THE COURT: Thank you.

13 MR. BALKENBUSH: Good morning, Your Honor. Colby
14 Balkenbush on behalf of the defendants and I believe Dan Polsenberg
15 is on BlueJeans on behalf of Defense as well.

16 THE COURT: All right. On the phone, please. Mr.
17 Polsenberg, would you like to make your appearance? You can unmute
18 yourself.

19 I can note his appearance for the record. I see him on
20 BlueJeans.

21 All right. Let me first start by saying, thank you, guys.
22 I wasn't able to do the hearing last week. You got set out at the
23 last minute. I had a family emergency. So I appreciate that very
24 much and I hope you guys didn't travel here for nothing. Did you?

25 MR. AHMAD: Not quite. I was at the airport. Just in

1 time.

2 THE COURT: Okay. Good enough. All right. Thanks.

3 All right. First of all, let me just housekeeping. Where
4 are we on unsealing the record?

5 MR. BALKENBUSH: I believe that's still -- there's still
6 some housekeeping issues on that pending.

7 THE COURT: I know I'm putting you on the spot. I'd
8 like -- I'd like to move toward resolution on that issue.

9 MR. AHMAD: Let me find that -- I can text Mr. McManis
10 right now. He's the point on that --

11 THE COURT: Let's deal -- we'll deal with it --

12 MR. AHMAD: -- and then I'll get back to you.

13 THE COURT: -- at the end of the hearing. You guys are
14 the only thing at 10:00. Who else? Mr. McManis is on the phone.

15 MR. McMANIS: I am here, Your Honor.

16 THE COURT: Good. And I know I'm putting you on the spot,
17 but where are we on getting the record unsealed?

18 MR. McMANIS: So my understanding of where we are is that
19 we have agreed to the order and we're waiting on the defendants to
20 submit it. There was a question that, I believe, Mr. Smith sent in
21 yesterday to Chambers about the form of that submission. I think it
22 was yesterday afternoon.

23 That would be the only thing -- that order would be the
24 only documents that I think remain subject to any kind of seal. And
25 at that point, everything else should be sort of out in the open and

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1 it would just be what's covered by that order.

2 THE COURT: Good enough. Mr. Balkenbush, I know I'm
3 putting you on the spot, but it was your DC co-counsel, I think, who
4 was taking the lead on that. If you don't mind touching base with
5 him, that would be great.

6 MR. BALKENBUSH: And I just e-mailed him, Your Honor.

7 THE COURT: Okay.

8 MR. BALKENBUSH: Your right. They -- so I -- hopefully
9 I'll receive a response maybe at the end of this hearing.

10 THE COURT: Excellent. Thank you. Thank you all.

11 All right. Now we have the plaintiff's motion.

12 MR. AHMAD: Yes, Your Honor.

13 THE COURT: Mr. Ahmad.

14 MR. AHMAD: Thank you. Just by way of background, we've
15 been here before on a motion for attorney's fees and we actually had
16 filed our supplemental notice of attorney's fees before the previous
17 hearing in late June. And I think at that time because it had been
18 relatively, you know, recently filed, I think the Court said we'll
19 revisit this later, give the defendants an opportunity to go through
20 it.

21 I don't think there have -- there's been, as far as I
22 know, no correspondence except for one piece of correspondence where
23 I think they asked us to look at maybe about six or so entries as not
24 being applicable to this case. We actually did so and I think we
25 took all but one of them off because it did apply to this case. And

1 that one entry probably amounted to only a few hundred dollars and
2 that was -- that was the only issue we had heard.

3 We did raise the supplemental notice a long time ago. And
4 they were on notice of it, no opposition at that time. And if you
5 look at the timeline and the fees, we asked for all of our trial,
6 pretrial stuff early on, right. We filed that back in March. I
7 don't think there's an issue about the timeliness on that.

8 So our motion now, the supplemental one, concerns
9 essentially post-trial motions. And I think that's important
10 because, number one, the defendants have already appealed the
11 underlying case. And in fact, they filed -- they filed their
12 original appeal in early April within 30 days of this Court's, I
13 believe, March 9th judgment and then filed another one in August
14 relating to some of the post-trial rulings of this Court. And I
15 actually think we have one more yet to come. I think the order on
16 the new trial has yet to come.

17 And so number one, as far as prejudice, this is not a
18 situation --

19 THE COURT: Order on new trial, is that standing?

20 MR. AHMAD: I thought so.

21 THE COURT: I thought I cleared everything. There were
22 three things.

23 MR. AHMAD: Okay.

24 THE COURT: We wrote a decision on one and minute orders
25 on the other two. I'll check on that. Let's check on that.

1 MR. AHMAD: Yeah. If we can -- I don't know that it's
2 terribly relevant. I just mention this by way of background.

3 THE COURT: No, no. I -- it's relevant for me because I
4 don't want something to be outstanding. So sorry for the
5 interruption.

6 MR. AHMAD: So there has been no prejudice. I think if
7 Your Honor looks at some of the case law, you'll see a couple
8 situations where somebody didn't appeal the underlying judgment
9 because the underlying judgment was for a very small amount. And
10 then later after the appeal deadline passes, they get hit with a
11 relatively large attorney's fees award. And then you can imagine
12 they come in and say well, wait a minute, now the analysis changed
13 and I missed my appeal deadline.

14 In those instances, Courts have said, yeah, it's an abuse
15 of discretion to allow for a late-filed motion for attorney's fees.
16 Here, that is not the case. They have appealed early and often.
17 They have appealed everything. And to the extent there's a future
18 order, you know, I'm sure that will happen as well.

19 And from a technical perspective, I'll point one thing
20 out, then I'd like for Ms. Lundvall to address some of the -- some of
21 the law in this area. But from a technical aspect, if you look at
22 Rule 54, it says 20 -- when you file your motion for attorney's fees,
23 I believe 21 days from judgment. But the definition under 54(a) of
24 judgment is a judgment, and then any further order from which an
25 appeal lies.

1 Well, the underlying judgment, we filed all the attorney's
2 fees work on that underlying judgment within the 21 days. And what
3 we filed the supplemental motion about is for those -- concerning the
4 work on those further orders, the post-trial motions. And to the
5 extent there's a deadline on that, those deadlines did not occur
6 until July and we filed our supplemental notice back in June.

7 So it's -- it's -- it would be difficult to say that we
8 had that to put in our time for post-trial motions before -- before
9 even knowing about them, number one, seeing them. And it seems
10 under -- under Rule 54(a) combined with 54(d) that deadline is
11 actually much later and we met all the deadlines. So from a
12 technical perspective, Your Honor, I don't know that we missed any
13 deadlines. And certainly from a prejudice point of view, we have
14 heard no prejudice, and it seems pretty clear there isn't and can't
15 be.

16 THE COURT: Thank you.

17 MR. AHMAD: Thank you, Your Honor.

18 MS. LUNDVALL: With the Court's indulgence, I'm not trying
19 tag-Team Mr. Balkenbush, but was asked to try to address the relevant
20 Nevada law on this particular point.

21 United has raised two timeliness issues, both at the front
22 end of this and as far as at the tail end of this when it came to the
23 notice of appeal. On both circumstances, I believe that they're
24 incorrect, particularly under Nevada law.

25 First and foremost, wanted to bring to the Court's

1 attention a very simple timeline. In the notice of supplemental
2 attorney's fees that we filed, we had specifically stated that we
3 update and supplement our motion for attorney's fees that was filed
4 November 30th, 2022, with the information attached hereto. So our
5 supplement referred back then to the original motion.

6 MR. AHMAD: Pat, you said November. I think you meant
7 March.

8 MS. LUNDVALL: Excuse me. If I said November, I meant
9 March.

10 THE COURT: I heard March, but I did --

11 MR. AHMAD: It might be I misheard. My apologies, Your
12 Honor.

13 MS. LUNDVALL: Okay. So it was March. Our motion for
14 attorney's fees was filed March 30, 2022, and our supplement made
15 specific reference to that.

16 In the motion practice on our attorney's fees, we
17 expressly requested permission, and I'm now quoting, to supplement
18 their request for attorney's fees being incurred. So we had put them
19 on notice back in March that, in fact, that we intended to
20 supplement.

21 And at the hearing then on the motion for attorney's fees,
22 the Court made a good point, and that being this: Is that the
23 supplement came in without them having, you know, a new opportunity
24 then by which to address it. They took that opportunity and so,
25 therefore, now we're before the Court. And so I think on the

1 timeliness issue when it comes to whether or not the supplement,
2 because it updated the original motion, and I don't think that that
3 is a viable issue.

4 More importantly, I think that when you look at cases that
5 this Court has handled, in particular involving our firm, the
6 opportunity then to supplement was given, the same thing that we did
7 here. And when I look at the *Barney versus the Mt. Rose Heating &*
8 *Air Conditioning* case, it's the 2001 case, while it dealt with a
9 mechanic lien statute that provided for attorney's fees, at that time
10 that statute then mirrored what Rule 54 did and it didn't have a time
11 frame then for filing a motion for attorney's fees. That's now since
12 been amended and it does have a specific time frame.

13 But the Court, though, in *Barney versus Mt. Rose* indicated
14 that the prevailing party -- the general proposition that a
15 prevailing party should be entitled to all of the fees that they have
16 incurred in prosecuting the matter. And so, therefore, that general
17 proposition should apply here. In the *Barney* case there were two
18 supplements actually that had been filed. And the Nevada Supreme
19 Court had said that that procedure then for supplementing their
20 original motion was appropriate.

21 The timeliness issue as it relates to the appeal, I think,
22 is one that has definitely been covered by the Nevada Supreme Court
23 in the *Lee versus Golden Nugget of Las Vegas* case. It's the 2000
24 case that came from the Nevada Supreme Court where the Nevada Supreme
25 Court made very clear that a file judgment is appealable except for

1 attorney's fees and costs. And attorney's fees and costs can be made
2 pursuant to NRAP, Nevada Rule of Appellate Procedure 3(a).

3 So to the extent that they have an opportunity to file
4 their notice of appeal on attorney's fees and they have the
5 opportunity to supplement that notice of peal, and no different than
6 they supplemented their original notice that dealt with the
7 underlying judgment, they have the opportunity to supplement the
8 notice of appeal that they filed dealing with the attorney's fees.

9 And so to the extent that whatever the Court does here
10 today, they have a procedure and opportunity by which then to contest
11 that on appeal if they so choose. And that is under Nevada law. And
12 so to the extent that the timeliness issue at both ends of the scale
13 have already been addressed.

14 As to the substantive issues that they raised dealing with
15 the -- the *Brunzell* factors, those *Brunzell* factors were identical to
16 the *Brunzell* factors that they had raised originally before you. And
17 in our reply briefing, we echoed and reincorporated in those same
18 arguments. And so to the extent that I believe those same arguments
19 should obtain, we recognize that the Court had made a 10 percent
20 discount based upon an application of those *Brunzell* factors and we
21 would also recognize that that 10 percent application would apply
22 here.

23 Thank you, Your Honor.

24 THE COURT: Thank you. The opposition, please.

25 MR. BALKENBUSH: Colby Balkenbush for the defendants, Your

1 Honor.

2 I think at the outset, it's important to point out that
3 their explanation for this supplement has evolved since we filed our
4 opposition to it. The supplement was titled supplemental fee -- let
5 me see, I don't have it here, supplemental fee request for fees
6 incurred after filing of the motion for attorney's fees.

7 But when you look through the invoices attached to that
8 motion -- excuse me, to the supplement, they go back to work done in
9 January 2022. So there's approximately three months of work that is
10 included in this supplemental request for attorney's fees that was
11 done, incurred before their motion for attorney's fees was filed in
12 March 2022. So the title alone is misleading.

13 And when you calculate it up, over 60 percent of the fees
14 sought in the supplemental were incurred prior to the filing of the
15 original motion for attorney's fees in March 2022. So 514,297.50 of
16 the of 835,000 sought was incurred prior to the filing of that
17 motion.

18 Now, the question is, is there discretion, does the Court
19 have discretion to essentially, despite the fact that this was
20 submitted late, you know, extend the deadline essentially and allow
21 them to still make this request. And I think Rule 54 subsection D is
22 pretty clear. It says that any motion for fees must be filed within
23 21 days of notice of entry, and that that -- that motion must include
24 the amounts sought or provide a fair estimate of it. And it further
25 states that the Court may not extend that deadline after it has

1 expired.

2 And so the way parties usually deal with the situation
3 that they lay out in their reply, the issue of well, you know, fees
4 are incurred before the motion but had to be processed, the client
5 has to review them, client has to pay them, is they either: One,
6 they'll delay filing that notice of entry of judgment. You know, our
7 firm has done that in terms -- we use everything we can to try to
8 delay filing of notice of entry. Because we know once it's filed, we
9 have to get everything in front of the Court within 21 days.

10 And alternatively, I think there is also an option they
11 had of actually moving to extend that 21-day deadline before it
12 expired. Because what the rule says is, after the deadline expires
13 the Court no longer has discretion to extend it. It doesn't say if
14 you move to extend it before the deadline expires the Court doesn't
15 have discretion. So they also had that option available to them,
16 moving -- if they had this issue, moving to extend the deadline and
17 explaining to the Court that we can't get everything in, there's a
18 processing issue. They didn't do that either.

19 And so I think the rule is clear that the Court simply
20 doesn't have discretion here. And the cases that they cite to, they
21 actually -- in fact, in particular the *Davidsohn* case they cite to
22 for the proposition that this Court has discretion to determine
23 timeliness of a request for attorney's fees, that's a 1996 case that
24 was actually decided before the current version of Rule 54 was in
25 place with the 21-day requirement.

1 So Rule 54 originally had a 20-day requirement back in
2 2004. It was revised in 2019, now it's 21 days. But before that,
3 there actually was not this strict requirement for getting your
4 motion for attorney's fees on file. The standard, and *Davidsohn* lays
5 it out is just that, a -- quote, A motion for attorney's fees should
6 be made reasonably promptly after entry of judgment because a losing
7 party may decide whether to appeal based on the amount of an award of
8 attorney's fees against it. So that was the standard pre-Rule 54 and
9 the 20 or 21-day requirement.

10 And in light of that prior standard in 1996, the Supreme
11 Court said, yes, the Court has significant discretion. You should
12 look at prejudice. You should look at how untimely it was. Was it a
13 week late, a month late, three months late. And the Court does have
14 some -- did have significant discretion back then. But that changed
15 once Rule 54 came into place and put this strict 21-day requirement
16 in place.

17 And even if you look at the *Davidsohn* case, there, there
18 was a delay of three -- of more than three months seeking the
19 attorney's fees, just a little more than the delay here since they're
20 seeking fees from back in January. And the Court found that was
21 unreasonable even under the more liberal standard in *Davidsohn* that
22 gave the Court more discretion in deciding whether or not a request
23 for fees was timely.

24 And then the *Mt. Rose Heating* case that Ms. Lundvall
25 raised, *Barney versus Mt. Rose Heating*, 2011 case, so this is a case

1 that obviously was -- Rule 54 was in place, but it dealt with a
2 mechanic's lien issue. And as Ms. Lundvall stated, the Court
3 expressly pointed out in that case that under the mechanic's lien
4 statute NRS 108.237, the Court said because NRS 108.237 does not have
5 a time restriction for requesting attorney's fees, the district court
6 did not abuse its discretion by finding Mt. Rose's request for
7 attorney's fees to be timely.

8 So certainly, if there's no time limit, the Court has
9 discretion to extend the time. But here, with Rule 54 there is a
10 strict 21-day time limit. And so there's not really an analysis to
11 be done of, was there prejudice, what's the reason for the delay.
12 You have to get it in in the 21 days.

13 And we agree certainly, so fees incurred after filing of
14 the motion for fees, they -- they're entitled to keep seeking those,
15 fees for post-judgment issue, fees for the appeal. Those are all
16 fair game. The issue is fees incurred prior to that deadline under
17 Rule 54 have to be in that motion. Everybody knows that.

18 And then, finally, I'll just address briefly, they address
19 a quarterly -- an order that Your Honor issued in the *Fayad* case, an
20 April 6th, 2022 order, as supporting an extension. I pull -- had my
21 assistant pull that order. It was on a Rule 11 motion for fees and I
22 didn't see any issue with extension of time. It looked like Your
23 Honor gave them five days to file a *Brunzell* declaration and they met
24 that deadline.

25 THE COURT: It's related to discovery.

1 MR. BALKENBUSH: Okay. Yeah. I just -- it didn't seem to
2 be applicable to whether or not this Court has discretion to give
3 more time for seeking fees under Rule 54.

4 So we believe, you know, over 60 percent of the fees are
5 untimely and shouldn't even be considered, 514,297. As to the
6 substance of the remaining fee request, you already heard me go on
7 and on about that in the last hearing on fees. I won't reiterate
8 that. It's in our papers.

9 I will just make one point on the substance. So Your
10 Honor has heard us go on and on about the complaint about block
11 billing, how it's difficult to know if a time is reasonable, what
12 exactly was done. And I understand, you know, at the last hearing, I
13 mean, Your Honor applied a 10 percent reduction, but generally did
14 not find the block billing arguments that persuasive.

15 But you know, in this -- with this particular supplement
16 as Mr. Ahmad admitted, there were entries that we found that were
17 from other -- other Team health cases. So there were entries from,
18 for example, Kristen Gallagher from McDonald Carano where, you know,
19 inadvertently they included this entry from another Team health case
20 that they're working on in this request for fees.

21 Now, they've agreed to withdraw those as part of this and
22 we pointed that out. But what it raises -- what it raises, Your
23 Honor, is with the individual entries, we can look at those and
24 figure out, okay, this is clearly -- you know, they're talking about
25 drafting a motion to compel and it's March 2022. It must be another

1 case, this is post-judgment now. But we can't figure that out when
2 we're looking at the block billed entries. So if there's a block
3 billed entry that says, you know, e-mail correspondence with Team,
4 you know, five hours, we have no way of knowing if that's related to
5 this post-judgment issue in this matter or if it's related to a Team
6 health matter in Minnesota or Wisconsin.

7 And so that supports our contention that there should be a
8 significant reduction because it's not possible to determine whether
9 or not the fees sought in the block billed entries are reasonable.
10 So I'll just add that. I think that differentiates this one from the
11 prior motion a little bit.

12 And I'm -- if Your Honor has any questions --

13 THE COURT: I don't. Thank you. And the reply, please.

14 MS. LUNDVALL: Very briefly, Your Honor, I want to address
15 the two legal intentions that Mr. Balkenbush raised and then Mr.
16 Ahmad wants to have the final word.

17 Mr. Balkenbush suggested everybody knows that you got to
18 put your fees in that original motion; otherwise, you're not going to
19 get them. That makes no sense whatsoever. Because a final judgment
20 was entered and in all cases a final judgment was entered. And
21 you've got 21 days by which then to file your motion for attorney's
22 fees.

23 Well, guess what, under Rule 59 and Rule 60, they had an
24 opportunity to file motions then by which then -- that were only able
25 to be filed after final judgment was entered. So the -- so we

1 continue to incur fees and costs associated them with addressing
2 their post-judgment motions, and we continue to process then
3 attorney's fees as they're coming in.

4 So to the extent that he's suggested, well, everybody
5 knows that you either delay filing your notice of entry of that final
6 judgment, that's not what you do. You make a request to supplement,
7 and that's exactly what we did in our motion. We asked for the
8 opportunity to supplement and we did include that request then
9 knowing full well that attorney's fees were going to be -- continuing
10 to be processed and were continuing to be incurred and that's why
11 we're here today. And so to the extent that that argument
12 realistically doesn't make sense, and nor does it make practical
13 sense whether or not -- or procedural sense.

14 The last thing then that he concedes then is the Court
15 does have the discretion to grant an extension. I guess that from a
16 technical standpoint, that's what we did within our reply when we
17 asked for the opportunity to supplement.

18 Thank you, Your Honor.

19 THE COURT: Thank you. Mr. Ahmad.

20 MR. AHMAD: Okay. And Your Honor, just to follow up a
21 little bit on the fact that, yes, they filed post-judgment motions.
22 And yes, we worked on those motions. And a lot of that time that we
23 have asked for in the supplemental motion, the vast majority of it
24 actually, pertains to those other post-trial motions, each of which
25 they get to appeal and they already have appealed in August.

1 And by the same token, if you look under 50 -- Rule 54,
2 and I don't think they quoted the rule to you, the definition of
3 judgment in Rule 54(a) says, a judgment is used in these rules
4 include a decree and any order from which an appeal lies. They filed
5 those motions from which an appeal lies. And we did work on it and
6 the deadline for those under 54(d) would be 21 days from those
7 orders. We easily met that.

8 And so they have not made an argument that, for example,
9 those later orders are not final appealable orders. In fact, we know
10 they take a different position. And by the same token, we're allowed
11 to come in and file for fees on working on those motions, which we
12 could not have done if we had to go back to the original judgment and
13 do it 21 days from that time.

14 Thank you, Your Honor.

15 THE COURT: Thank you both. The matter is submitted.

16 This is the supplement for additional -- request to
17 supplement a previous fee application. And I'm going to grant the
18 supplement for the reason that technically a motion for attorney's
19 fees has already been granted. And it did -- it was timely filed and
20 it did indicate that there would be a supplement.

21 I looked at -- I do look at all the fees. And based upon
22 my previous analysis, I make a finding that the hourly rates were
23 reasonable given the nature of the work done, time spent was
24 reasonable but for that that has been identified as being miscoded.
25 The quality of the applicates justified the hourly rates and the

1 result obtained was in favor of the plaintiff.

2 The block billing is always a concern, but the intensity
3 of this case, I can see where you would have to dedicate a lot of
4 time in one day to responding to the motions.

5 There is a -- there will be withdraw of that time that was
6 miscoded, and I will also reduce this by 10 percent. So for those
7 reasons, the supplement is also granted.

8 Ms. Lundvall and team to prepare the order. You may make
9 it consistent with the briefing. And Mr. Balkenbush and team will
10 have the ability to review and approve the form.

11 Any questions about that?

12 MR. AHMAD: No, Your Honor. I just wanted to cite for
13 the -- to clarify for the record, that the nine entries
14 Mr. Balkenbush asked me about totaled \$2,410.50. I agreed to
15 withdraw eight, and so the credit would be 2,100 -- would be reducing
16 our request by \$2,125.50 and the order will reflect that consistent
17 with your 10 percent comment just now.

18 And then the other thing I would advise the Court is on
19 9-12 we submitted the order on the new trial. On 9-13 they objected
20 it. So although there's a minute order, there is no order --

21 THE COURT: Oh --

22 MR. AHMAD: -- signing the order we submitted on 9-12 as
23 regards to the new trial. That's the clarification.

24 THE COURT: Just needed to make sure it wasn't on my
25 plate. Okay. Good. Now --

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1 MR. AHMAD: I think it might be. I think that the
2 order -- there's a minute order, but the actual order denying the
3 motion for new trial has not been signed. That was submitted --

4 THE COURT: Has it been submitted?

5 MR. Ahmad: -- 9-12. Submitted on 9-12.

6 THE COURT: Oh, okay.

7 MR. Ahmad: They objected on 9-13. So that order
8 submitted on 9-12 --

9 THE COURT: Good enough.

10 MR. Ahmad: -- has not been signed.

11 THE COURT: I'll make sure it gets turned around. Okay.

12 MR. AHMAD: Thank you, Your Honor.

13 THE COURT: I've had a week. So all right.

14 And are you able to give me an update on unsealing the
15 record?

16 MR. BALKENBUSH: I am, Your Honor.

17 THE COURT: I know I'm putting you on the spot.

18 MR. BALKENBUSH: I got there -- our DC team is usually
19 quick to respond.

20 I understand that Abe Smith with Dan's office has been in
21 touch with your law clerk about getting you all the final sealed
22 materials. I guess they're quite voluminous so they're working out
23 how to transmit that, but I understand that's in process.

24 THE COURT: Okay. Any -- can you estimate how long you
25 think it will take to get that done?

1 MR. BALKENBUSH: I don't -- I can find that out today,
2 Your Honor. I don't have that in front of me.

3 THE COURT: Why don't I set a status on unsealing the
4 record in 30 days, and hopefully I'll be able to vacate that.

5 MR. BALKENBUSH: Understood.

6 MS. LUNDVALL: Your Honor, in light of the status
7 conference that may be vacated this may be our last opportunity to
8 appear in this case. And I will tell you that on behalf of our firm
9 and behalf of our clients, we thank you and your staff.

10 THE COURT: Well, that's not necessarily. I asked for the
11 job, so but it's been a pleasure. This case has been so intriguing.
12 It's -- I've learned so much about health care. Had no idea about
13 most of this, so...

14 MS. LUNDVALL: Well, we greatly enjoyed being here. We
15 greatly enjoyed your tolerance and your patience, as well as your
16 staff's, so thank you.

17 THE COURT: Yeah. That's part of the oath too. All
18 right.

19 MR. AHMAD: It goes without saying that that applies to
20 all the lawyers here that --

21 MR. BALKENBUSH: Yes.

22 THE COURT: I don't need to Mr. Balkenbush -- he was dan
23 ex-turn for me. It's great to --

24 MR. BALKENBUSH: Thank you, Your Honor. I'm sure you'll
25 see me again on another case.

1 THE COURT: -- great to see how much latitude they're
2 giving you with your firm. That's great.

3 MR. BALKENBUSH: Thank you.

4 THE CLERK: That review date is October 20th at 10:30.

5 THE COURT: All right. Thanks, everybody.

6 MR. Ahmad: Thank you, Your Honor.

7 THE COURT: Stay safe and healthy. I'm still saying that
8 after the pandemic is over.

9 [Court recessed at 10:34 a.m.]

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21 ATTEST: I do hereby certify that I have truly and correctly
22 transcribed the audio/video proceedings in the above-entitled case to
the best of my ability.

23

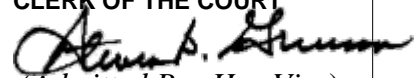
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Karisa J. Ekenseair
Court Recorder/Transcriber

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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

Case No.: A-19-792978-B
Dept. No.: 27



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.

[Hearing Requested]

**LIMITED OBJECTION TO “ORDER
UNSEALING TRIAL TRANSCRIPTS AND
RESTORING
PUBLIC ACCESS TO DOCKET”**

**LIMITED OBJECTION TO “ORDER UNSEALING TRIAL TRANSCRIPTS
AND RESTORING PUBLIC ACCESS TO DOCKET”¹**

Defendants partially object to plaintiffs’ proposed “Order Unsealing Trial Transcripts and Restoring Public Access to Docket.”

As acknowledged yesterday in open court, this Court can restore public access to the docket, with the exception of materials previously sealed or subject to a pending motion to seal.

Unsealing the trial transcripts, however, is premature. That must be resolved in the context of the forthcoming order regarding defendants’ motion to seal and subject to the temporary stay in that order. As a compromise, defendants were prepared to accept this Court’s ruling unsealing all 22 days of trial transcripts except ten numerical figures across five pages. Plaintiffs did not wait to confer on this point, however, and instead submitted their order for “immediate[]” unsealing in contravention of the automatic stay.

**A. THE SEALING OF TRANSCRIPTS IS TIED TO THE
CONFIDENTIALITY OF THE UNDERLYING TRIAL EXHIBITS**

As this Court had previously recognized, the question of public access to the trial transcripts is bound up with the question of whether the exhibits introduced at trial are

¹ Undersigned counsel does not recall this Court tasking plaintiffs with submitting an order and permitting defendants only to file an objection, as would have been the case had plaintiffs filed a motion and prevailed. Plaintiffs did not move to unseal the transcripts; the Court raised the issue *sua sponte*. This Court therefore ought to consider competing orders.



confidential.² If a trial exhibit is confidential, discussion of its contents must also be protected. Conversely, the parties cannot seek to seal a transcript discussing unsealed exhibits. Defendants' motion to seal, too, made clear that "sealing trial *transcripts* is justified in this instance" because of the sensitivity of information in the trial *exhibits*. (11/23/21 Mot. to Seal, at 18:18-19.)

B. DEFENDANTS SEEK VERY LIMITED REDACTIONS HERE

Here, because of the parties' agreement, relatively little "attorneys' eyes only" or other confidential information was discussed at trial. Over 22 days of trial and thousands of pages of transcripts, defendants propose limited redactions to just *ten* numerical figures across *five* pages, reflecting the most sensitive nonpublic financial information in exhibits that defendants contend are confidential. (See 10/6/22 Mot. to Seal Trial Transcripts.) Defendants also understand that this Court is set to overrule the confidentiality of those exhibits, and consequently would likely reject the redactions in the transcripts.

C. THE TEMPORARY STAY APPLIES TO ALL ASPECTS OF THE SEALING, INCLUDING THE TRANSCRIPT, AS THOUGH THE INFORMATION WERE CONFIDENTIAL

Critically, however, this Court also recognizes that defendants are entitled to the 30-day automatic stay under NRCP 62(a), with any further stay to issue from the Nevada Supreme Court. During this stay and any extension from the Supreme Court, *all* materials related to the sealing motion will remain under seal as though the motion had been granted in full.

At a minimum, the automatic 30-day stay applies likewise to any post-judgment order unsealing the trial transcripts. See NRAP 3A(a)(8); NRCP 62(a)(1).

For this reason, although defendants understood that this Court would likely unseal the trial transcripts as part of its forthcoming order regarding defendants' motion to seal, that order would be subject to the automatic stay—giving defendants an opportunity to seek appellate review.

Plaintiffs' proposed order, in violation of the Court's previously announced stay, calls for

² Even during the trial, this Court acknowledged that "I'd be inclined no [sic] attorney's eyes only to close the room and *have a redacted transcript*, but it's going to have to be taken up on a case-by-case basis." (11/1/2021 Tr. 121:3-8; 124:12-13 (emphasis added).)



1 all trial transcripts to be “immediately unsealed,” explicitly depriving defendants of any
2 opportunity for appellate review.

3 **D. THOUGH FORMALLY UNNECESSARILY, DEFENDANTS HAVE**
4 **SEPARATELY MOVED FOR LIMITED REDACTIONS OF THE TRANSCRIPT**

5 Defendants maintain that the current motion for stay already contemplates a review of the
6 trial transcript based on confidentiality of the exhibits discussed. This Court has overruled the
7 requested redactions to the relevant exhibits discussed in the transcripts, so defendants
8 anticipated having to obtain relief in the Supreme Court. Only if the Supreme Court grants that
9 confidentiality would defendants be able to seek those redactions.

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WEINBERG WHEELER
HUDGINS GUNN & DIAL

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1 But based on the Court's comments and in an abundance of caution, defendants are
 2 concurrently filing a motion to seal and redact the relevant five pages of the trial transcripts.
 3 Defendants have limited their request in a good-faith effort to accommodate this Court, whereby
 4 the Court may order the remainder of the trial transcripts unsealed.³ Under SRCR 3(2), the
 5 automatic sealing must remain in effect for those limited redactions until the Court rules on that
 6 motion.

7 Dated this 6th day of October, 2022.

8
 9 /s/ Colby L. Balkenbush

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27 ³ In doing so, defendants do not waive their rights to challenge the Court's rulings on the motion to seal,
 28 including as to potentially confidential information outside the limited redactions requested to the
 transcripts.



CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of October, 2022, a true and correct copy of the foregoing **LIMITED OBJECTION TO “ORDER UNSEALING TRIAL TRANSCRIPTS AND RESTORING PUBLIC ACCESS TO DOCKET”** 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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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.

Case No.: A-19-792978-B
Dept. No.: 27

**DEFENDANTS' MOTION TO REDACT
PORTIONS OF TRIAL TRANSCRIPT**



1 UNITED HEALTHCARE INSURANCE
 2 COMPANY, a Connecticut corporation; UNITED
 3 HEALTH CARE SERVICES INC., dba
 4 UNITEDHEALTHCARE, a Minnesota
 5 corporation; UMR, INC., dba UNITED MEDICAL
 6 RESOURCES, a Delaware corporation; SIERRA
 7 HEALTH AND LIFE INSURANCE COMPANY,
 8 INC., a Nevada corporation; HEALTH PLAN OF
 9 NEVADA, INC., a Nevada corporation,

10 Defendants.

11 Defendants UnitedHealthcare Insurance Company; United HealthCare Services, Inc.;
 12 UMR, Inc.; Sierra Health and Life Insurance Company, Inc.; and Health Plan of Nevada, Inc.
 13 (collectively, “Defendants”), respectfully request that this Court enter an order to redact portions
 14 of the trial transcript. Alternatively, if this Court overrules those redactions, this Court should
 15 apply the automatic temporary stay under NRCP 62(a)(1) that this Court has already determined
 16 applies to the remainder of defendants’ sealing requests. That temporary stay is critical to protect
 17 defendants’ due-process right to appellate review.

18 This Motion is made and based upon the papers and pleadings on file herein, the
 19 Declaration of [], the following memorandum of points and authorities, and any arguments made
 20 by counsel at the time of the hearing.

21 Dated this 10th day of November, 2021.

22 /s/ Colby L. Balkenbush

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**DECLARATION OF ABRAHAM SMITH IN SUPPORT OF
DEFENDANTS' MOTION TO REDACT PORTIONS OF TRIAL TRANSCRIPT**

1. I am an attorney licensed to practice law in the State of Nevada, a partner at Lewis Roca Rothgerber Christie, LLP, counsel for Defendants in the above-captioned matter.

2. This Declaration is submitted in support of Defendants' Motion to Redact Portions of Trial Transcript.

3. Trial Exhibits marked Attorneys' Eyes Only or Confidential contain materials and testimony which have been designated as "Attorneys' Eyes Only" and/or "Confidential" under the Stipulated Confidentiality and Protective Order entered in this case.

4. The parties' Confidentiality and Protective Order sets forth that documents designated as "Attorneys' Eyes Only" and "Confidential" must be filed under seal.

5. The portions of the trial transcript that Defendants seek to redact concern information contained in Trial Exhibits marked Attorneys' Eyes Only or Confidential.

6. Defendants file this Motion in accordance with SRCR 3(4)(e).

7. I declare that the foregoing is true and correct under the penalty of perjury under the laws of the state of Nevada.

DATED: November 9, 2021.

/s/ Abraham Smith
Abraham Smith



MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Cognizant of the policy in favor of public disclosure of trial transcripts, out of the hundreds of pages of transcript that constituted this trial, Defendants move this Court to redact ten numbers appearing on five pages of trial transcript. These numbers describe Defendants' internal operating income ("IOI")—a non-public financial figure based on the performance of particular programs and units within United. IOI is a highly sensitive business metrics that would be extraordinarily valuable to competitors seeking to replicate or undercut United's practices. Because of efforts during trial to prevent disclosure of extra-sensitive material, the appearance of these numbers in the trial transcript is exceedingly rare. There will be no prejudice to TeamHealth Plaintiffs in protecting the confidentiality of Defendants' highly sensitive IOI numbers

Defendants previously moved to redact some of these same IOI numbers when they appeared on a number of trial exhibits. The Court has granted in part and denied in part Defendants' prior motion to seal trial exhibits. As stated by Defendants' counsel at the hearing held on October 5, 2022, Defendants contemplated that by moving to protect critical and sensitive information or trade secrets, that such motion would fully protect that information no matter where it was located. Defendants now move to request that the trial transcript be redacted to prevent the disclosure of the non-public IOI numbers. This final step would ensure that public access to a trial is not impeded, except for very targeted redactions to five total pages of transcript that are necessary to fully protect critical and sensitive information. Therefore, Defendants respectfully request that the Court permit the filing of the trial transcript under seal, with a public transcript redacted on five pages.

II. LEGAL ARGUMENT

A. STANDARD FOR SEALING TRIAL TRANSCRIPTS

Nevada law recognizes that, "concomitant with the common-law right to public access" is "the recognition that the right is not absolute." *Howard v. State*, 128 Nev. 736, 742, 291 P.3d 137, 141 (2012). The presumption in favor of public access "may be abridged" where it "is outweighed by a significant competing interest." *Id.* at 744, 291 P.3d at 142. *See also Kamakana v. City & Cty. of*



1 *Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006)(“access to judicial records is not absolute”); *In re*
 2 *Elec. Arts, Inc.*, 298 F. App’x 568, 570 (9th Cir. 2008) (applying the *Kamakana* analysis to trial
 3 exhibits); *Bhagat v. Diamond Info. Sys., LLC*, 84 Va. Cir. 233, 2012 WL 7827846 (Va. Cir. 2012)
 4 (sealing trial exhibits on the basis that “public disclosure of this proposal could also reasonably be
 5 said to benefit Diamond’s competitors at its expense... [f]or these reasons, this court agrees that the
 6 following [trial] exhibits should continue to be afforded the maximum protection possible against
 7 public disclosure”).

8 When the presumption of access to judicial records is opposed by competing interests, courts
 9 must weigh the relevant factors to determine if disclosure is warranted. *See San Jose Mercury News,*
 10 *Inc. v. U.S. Dist. Ct.--N. Dist. (San Jose)*, 187 F.3d 1096, 1102 (9th Cir. 1999). In *Valley Broadcasting,*
 11 for example, the Ninth Circuit addressed whether trial exhibits should be disclosed to a television
 12 station. 798 F.2d 1289 (9th Cir. 1986). The Court listed several factors “[c]ounseling against” public
 13 disclosure, noting in particular “the likelihood of improper use, ‘including the publication of
 14 scandalous, libelous, pornographic, or trade secret materials; infringement of fair trial rights of the
 15 defendants or third persons; and residual privacy rights.’” *Id.* at 1294 (citing *United States v. Criden,*
 16 648 F.2d 814, 830 (3d Cir. 1981)); *see also Hagestad v. Tragesser*, 49 F.3d 1430, 1434 (9th Cir. 1995)
 17 (“The factors relevant to a determination of whether the strong presumption of access is overcome
 18 include the ‘public interest in understanding the judicial process and whether disclosure of the material
 19 could result in improper use of the material for scandalous or libelous purposes or infringement upon
 20 trade secrets.’”) (citing *EEOC v. Erection Co., Inc.*, 900 F.2d 168, 170 (9th Cir.1990)).

21 Rule 3.4 of the Nevada Rules for Sealing and Redacting Court Records (“SRCR”) provides
 22 in pertinent part that:

23 The court may order the court files and records, or any part thereof, in a civil action
 24 to be sealed or redacted, provided the court makes and enters written findings that
 25 the specific sealing or redaction is justified by identified compelling privacy or
 26 safety interests that outweigh the public interest in access to the court record. The
 27 parties’ agreement alone does not constitute a sufficient basis for the court to seal
 28 or redact court records. The public interest in privacy or safety interests that
 outweigh the public interest in open court records include findings that:



- 1 (b) The sealing or redaction furthers an order entered under NRCP 12(f) or
2 JCRCP 12(f) or a protective order entered under NRCP 26(c) or JCRCP
3 26(c);

4 *****

- 5 (g) The sealing or redaction is necessary to protect intellectual proprietary or
6 property interests such as trade secrets as defined in NRS 600A.030(5);

7 *****

- 8 (h) The sealing or redaction is justified or required by another identified
9 compelling circumstance.

10 SRCR 3.4.

11 Moreover, Rule 2.2 of the SRCR defined a “court record” as including, but not limited to,
12 “[a]ny document, information, exhibit, or other thing that is maintained by a court in connection
13 with a judicial proceeding” as well as the “official record of the proceedings” and thus includes
14 the transcript of trial. Furthermore, on June 24, 2020, pursuant to a stipulation by and between the
15 parties, this Court entered a Confidentiality and Protective Order. The Order provides that the
16 parties will file a motion to have confidential / sensitive discovery material filed under seal,
17 including any portion of a court paper that discloses confidential / sensitive discovery material.
18 Trial transcripts are undoubtedly court paper.

19 **B. THE SEALING OF TRANSCRIPTS IS TIED TO THE CONFIDENTIALITY OF THE**
20 **UNDERLYING TRIAL EXHIBITS**

21 The sealing of trial transcripts was raised before and is expressly raised now. As this Court
22 had previously recognized, the question of public access to the trial transcripts is bound up with
23 the question of whether the exhibits introduced at trial are confidential. If a trial exhibit is
24 confidential, discussion of its contents must also be protected. Conversely, the parties cannot seek
25 to seal a transcript discussing unsealed exhibits.¹ Defendants’ motion to seal, too, made clear that
26 “sealing trial transcripts is justified in this instance” because of the sensitivity of information in
27 the trial exhibits. (11/23/21 Mot. to Seal, at 18:18-19.)

28 ¹ Even during the trial, this Court acknowledged that “I’d be inclined no [sic] attorney’s eyes only to close
the room and *have a redacted transcript*, but it’s going to have to be taken up on a case-by-case basis.”
(11/1/2021 Tr. 121:3-8; 124:12-13 (emphasis added).)



1 **C. THE LIMITED DISCUSSION OF IOI FIGURES MUST BE REDACTED**

2 During trial, on two occasions, witnesses who were current or former employees for
3 Defendants testified to the internal operating income, sometimes referred to in the transcript as
4 “IOI,” of Defendants’ out-of-network programs. On November 9, 2021, Mr. John Haben, the
5 former vice president for out-of-network programs at UnitedHealthcare, testified regarding a
6 projection of the amount of money in aggregate that Defendants could save their self-insured
7 employer clients by 2023. 11/9/2021 Tr. 90:6-91:7. Mr. Haben testified to that amount twice
8 during those two pages. *Id.* On November 16, 2021, Mr. Daniel Schumacher testified via prior
9 deposition testimony. His testimony included the IOI of Defendants’ shared savings programs
10 from 2016 to 2019. 11/16/2021 Tr. 29:22-31:7. Mr. Schumacher gave seven specific and critical
11 IOI numbers.

12 The documents on which these IOI numbers appeared were marked Attorneys’ Eyes Only
13 or Confidential when produced by Defendants. Likewise, Defendants moved to seal these
14 documents during trial. The figures, just like the documents on which they appear, constitute
15 confidential information that is extremely commercially sensitive, which should be sealed pursuant
16 to SRCR 3.4(g). The sealing and redaction of these figures is necessary to protect Defendants’
17 proprietary and property interests including, but not limited to, trade secrets. *Id.*; *see also* SRCR
18 3.4(h).

19 Internal operating income is, by definition, internal and non-public, and extremely
20 commercially sensitive. With respect to the future projections in Mr. Haben’s testimony, 2023
21 remains in the future and the projected revenue figures remain critically sensitive. If made public,
22 Defendants competitors would gain a strategic advantage over Defendants. *See* 12/13/2021 Mot.
23 to Seal, **Exhibit F**, Decl. of Dan Kueter at ¶ 8-11 (supporting the reality that the market for
24 commercial fully insured and self-funded customers is highly competitive); *id.* **Exhibit G**, Decl.
25 of Jenny Hayhurst ¶¶ 7-11 (supporting that Defendants’ competitors will gain strategic advantage
26 by obtaining sensitive business information). Competitors would possess information about
27 Defendants that Defendants cannot similarly obtain about their competitors. For example,
28 competitors would know what Defendants think they can save clients and use that information to



1 convince clients that they can save more money by leaving Defendants. *Id.* **Exhibit F**, Decl. of
2 Dan Kueter at ¶ 9 (Defendants seek to out-compete their competitors through affordability
3 initiatives). Thus, by allowing public disclosure of Defendants' IOI, Defendants competitors gain
4 a distinct information advantage over Defendants. Defendants' clients would also gain a strategic
5 advantage because they would similarly have informational leverage over Defendants during
6 negotiations. With respect to Mr. Schumacher's testimony regarding figures from 2016 through
7 2019, those numbers are just as sensitive. They provide recent figures that describe the IOI of the
8 shared savings programs. Those figures can provide an inference to competitors, clients, and
9 providers of the approximate internal operating income today. Additionally, revealing those recent
10 IOI numbers would enable Defendants' competitors to evaluate how they performed over the same
11 course of time and structure future business conduct based on that information.

12 Because of the sensitivity of these figures, and because Defendants seek to redact only ten
13 numerical figures across five pages of trial transcript, the interest in ensuring confidentiality of
14 these figures outweighs the presumption of public disclosure. If the public was able to freely
15 obtain this information, that bell could never be unrung because no court could fashion relief to
16 prevent this information from being used to harm Defendants, extra-judicially or otherwise.
17 Consistent with the parties' agreement contained in the stipulated Confidentiality and Protective
18 Order, and consistent with Defendants' November 9, 2021 motion to seal, Defendants now move
19 to seal two days of trial transcript, and to have ten numerical figures, appearing on only five pages
20 of trial transcript.

21 **D. ALTERNATIVELY, THE UNSEALING SHOULD BE TEMPORARILY STAYED**

22 Alternatively, if this Court disagrees and intends to overrule the requested limited
23 redactions, defendants are entitled to the 30-day automatic stay under NRCP 62(a), with any
24 further stay to issue from the Nevada Supreme Court. This Court has already determined to issue
25 such a stay with respect to defendants' motion to seal trial exhibits. During that stay and any
26 extension from the Supreme Court, all materials related to the sealing motion will remain under
27 seal as though the motion had been granted in full. So, too, here. The automatic 30-day stay
28 applies likewise to any post-judgment order unsealing the trial transcripts. See NRAP 3A(a)(8);

NRCP 62(a)(1).

Especially considering the extremely limited nature of the relief requested, a temporary stay would cause no harm and would be necessary to preserve the object of the forthcoming petition or appeal on the broader sealing order. To deprive defendants of this stay would not just violate NRCP 62(a) but would deprive defendants of their due-process right to seek appellate review.

III. RELIEF REQUESTED

For the foregoing reasons, Defendants respectfully request that the Court enter an Order sealing or redacting the trial transcript of November 9, 2021, and November 16, 2021, and releasing a redacted transcript consistent with this order.

Dated this 6th day of October, 2022.

/s/ Colby L. Balkenbush

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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

**PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION TO
REDACT PORTIONS OF TRIAL
TRANSCRIPT**

017990

1 United's objection is untimely. As previously explained in Plaintiffs' October 4, 2022
2 Status Report, United has had months to request redaction of any portion of the trial transcripts.
3 *See* 10/5/22 Hearing Tr. at 4:16-6:16. United did not do so.

4 Instead, after agreeing to the Court's ruling to unseal the trial transcripts, United looked
5 for the first time to evaluate whether they wished to seal any additional information. *See* 10/6/22
6 Hearing Tr. at 3:12-16, 4:2-13. It is too late--United has waived the issue, multiple times over.
7 This is nothing more than a continued attempt to shroud this trial in secrecy. *See id.* at 5:3-19.

8 For the reasons set forth above, the Health Care Providers request the Court deny
9 Defendants' Motion to Redact Portions of Trial Transcript.

1 DATED this 7th day of October, 2022.

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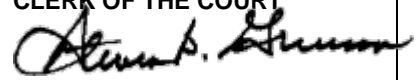
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DISTRICT COURT

CLARK COUNTY, NEVADA

* * * * *

FREMONT EMERGENCY SERVICES)
(MANDAVIA), LTD., ET AL.,) CASE NO. A-19-792978-B

Plaintiffs,

DEPT. NO. XXVII

vs.

UNITED HEALTHCARE INSURANCE) **Transcript of Proceedings**
COMPANY, ET AL.,)

Defendants.

BEFORE THE HONORABLE NANCY ALLF, DISTRICT COURT JUDGE
STATUS CHECK

MONDAY, OCTOBER 10, 2022

APPEARANCES:

For the Plaintiffs: JASON S. MCMANIS, ESQ.
(Via Video Conference)

For the Defendants: ABRAHAM G. SMITH, ESQ.
DANIEL POLSENBERG, ESQ.

RECORDED BY: BRYNN WHITE, DISTRICT COURT
TRANSCRIBED BY: KRISTEN LUNKWITZ

Proceedings recorded by audio-visual recording; transcript
produced by transcription service.

1 MONDAY, OCTOBER 10, 2022, AT 12:59 P.M.

2

3 THE COURT: Thanks, everyone. Please be seated.
4 Okay. So, if I can see over my Trial Exhibit here, let me
5 call the case of *Fremont versus United*. And let's take
6 appearances, starting first with the plaintiff.

7 MR. MCMANIS: Good afternoon, Your Honor. Jason
8 McManis from AZA, on behalf of the plaintiffs.

9 THE COURT: And do you have local counsel with
10 you?

11 MR. MCMANIS: I do not know if local counsel --
12 certainly not with me right here. But I don't know if
13 local counsel is present in the courtroom. It doesn't look
14 like it.

15 THE COURT: Is there any objection?

16 MR. POLSENBERG: I do not object.

17 THE COURT: Okay. Let's have appearances, please?

18 MR. SMITH: Good afternoon, Your Honor. Abe Smith
19 and Dan Polsenberg for defendants.

20 THE COURT: Thank you.

21 All right. So, this was a status check, Mr.
22 Smith, because you were unavailable last Thursday.

23 MR. SMITH: And I appreciate Your Honor moving
24 that. And Judge Peterson also appreciates that. Thank
25 you.

1 Yes. So, a couple of updates. We submitted the
2 Order on the Motion to Seal Trial Exhibits on Friday.
3 Before that, if you'll notice in footnote 1, the way we
4 kind of figured out the logistical issue is we went ahead
5 and filed everything ourselves into the record as what we
6 call Appendix B. So, footnote 1 just says that the Court
7 has reviewed Appendix B, including the disc, and adopts
8 that as the Court's Order. So, now, Your Honor can sign
9 the Order. And the accompanying Appendix A, which is like
10 132 pages of summaries of the redactions, and those two
11 pieces can be publicly entered as the Court's Order.

12 THE COURT: And, is there a preference on which
13 order I sign the Orders in?

14 MR. SMITH: I'm sorry. Maybe I don't understand
15 the question. Which order?

16 THE COURT: There are two Orders that you're going
17 to agree to have entered. I'm pulling it up, my Order
18 inbox right now.

19 MR. SMITH: Okay.

20 THE COURT: The one is unsealing trial
21 transcripts.

22 MR. SMITH: So, this is unsealing trial exhibits.
23 There we go. Yeah. It should be -- it should be -- it'll
24 have our firm's logo in the lower left. And it's entitled:
25 Order Granting in Part and Denying in Part Defendant's

1 Motion to Seal Certain Confidential Trial Exhibits.

2 THE COURT: All right.

3 MR. SMITH: And on page 5 is the footnote that
4 talks about the Court reviewing the Appendix B.

5 THE COURT: All right. Thank you.

6 Mr. McManis?

7 MR. MCMANIS: I think, Your Honor, that that
8 particular Order is agreed as to the form. And, so, we
9 have no objection to that Order being entered.

10 THE COURT: All right. So, is there anything else
11 to take up today, then?

12 MR. SMITH: Well, Your Honor, --

13 MR. MCMANIS: I --

14 MR. SMITH: Sure. Let me go over it. So, we have
15 the issue of the trial transcripts. I know, last time Your
16 Honor asked: So, what, if anything, is holding up the
17 unsealing of the trial transcripts? I said: I don't know,
18 I need to go back and talk.

19 Mr. McManis proposed an Order that would unseal
20 all of the trial transcripts. We went back and found there
21 were just five pages where there actually was a discussion
22 of information of what we considered to be attorneys' eyes-
23 only, confidential information. Just figures, literally
24 dollar figures, that appear on five pages of the
25 transcript. But we understood that those were being

1 overruled as part of the Motion to Seal, since we didn't
2 win on those Exhibits on the Motion to Seal.

3 As a prophylactic measure, we filed the Motion to
4 Seal those pages of the trial transcript. And I believe
5 the hearing on that is set for November 10th. But,
6 certainly, we could move that up. Plaintiffs have already
7 filed their Opposition on that.

8 THE COURT: Okay.

9 Mr. McManis?

10 MR. MCMANIS: Yes, Your Honor. I don't think this
11 is an issue on which another hearing is necessary. I
12 think, last week when we were in front of Your Honor
13 discussing this and -- on two occasions, and I think we
14 heard again to today that they went back to those
15 transcripts after the ruling that they should all be
16 unsealed. And that's when they identified these numbers.
17 I think it's too late for that.

18 And we did file a response out of an abundance of
19 caution, just because if we don't respond then the local
20 rule deems it unopposed. But I don't believe another
21 hearing is necessary. We have submitted an Order to Your
22 Honor that is consistent with the rulings made at the
23 status conference last week. And we believe that that
24 Order should be entered.

25 THE COURT: All right.

1 So, your substantive objections for the record,
2 please?

3 MR. SMITH: So, Your Honor, we identified, on
4 pages -- so, this is from November 9th, 2021, at page 90,
5 line 6, through 91, line 7. And, on November 16th, 2021 at
6 page 29, line 22 through line -- through page 31, line 7.
7 There were a series of questions that identify a number
8 that's referred to as an internal operating income or IOI.
9 It's referred to in the transcript. And those particular
10 figures came out on the record in the transcript. So, we
11 just -- we would ask that those -- I believe it's a total
12 of 10 times that that figure is repeated, that those
13 instances be redacted from the record.

14 Other than that, we understand Your Honor's
15 preference. I mean, we had the discussion at the very
16 beginning of the trial about whether the courtroom would be
17 sealed or not. And Your Honor said: No, you know,
18 anything that's admitted at trial is going to open. So, we
19 understanding Your Honor was overruling us on that issue.

20 However, we did come up with this process for
21 addressing the sealing after the trial. And, obviously, as
22 Your Honor recognized, there's the stay under Rule 62(a).
23 So, we totally understand that Your Honor was going to
24 overrule us on that substantive objection, but that we
25 would take our issue up to the Supreme Court.

1 The issue I have with Mr. McManis's Order really
2 is -- I mean, I do have an issue with the substantive
3 ruling. We do think that they should be redacted.
4 However, we understood Your Honor was going to overrule
5 that. The issue we have now is with the stay. We believe
6 that the temporary stay should apply with those five pages
7 of redaction, just as they would with everything else.

8 THE COURT: And, just a substantive response,
9 please?

10 MR. MCMANIS: Yes, Your Honor.

11 I don't believe that there was ever a request made
12 to seal or redact the -- even those five pages. So, what
13 we have here is, -- again, I don't mean to repeat myself,
14 but a belated request to make redactions in order to
15 subject these transcripts to the stay and hold that, again,
16 out of public view when, frankly, the trial was held in the
17 open to begin with. And they weren't sealed or redacted
18 when the testimony was taken.

19 So, I think it's too late to include this. If the
20 -- if United had wanted a ruling on these pages, they could
21 have been included in any one of the numerous Motions to
22 Seal. And a request could have been made, a ruling
23 obtained, and subject to any temporary stay on that. They
24 didn't do that. They're trying to do it kind of through
25 the back door at the last minute. And I don't think it's