

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.

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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
107	Recorder's Transcript of Hearing Motion for Leave to File Plaintiffs' Response to Defendants' Objection to the Special Master's Report and Recommendation No. 3 Regarding Defendants' Second Set of Request for Production on Order Shortening Time in Redacted and Partially Sealed Form	06/09/21	17	4224–4226
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
76	Recorder's Transcript of Proceedings Re: Motions	01/21/21	15	3659–3692
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
58	Recorder's Transcript of Proceedings Re: Motions (via Blue Jeans)	10/08/20	10	2363–2446
59	Recorder's Transcript of Proceedings Re: Motions (via Blue Jeans)	10/22/20	10	2447–2481
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
105	Recorder's Transcript of Proceedings Re: Motions Hearing	06/03/21	17	4185–4209
106	Recorder's Transcript of Proceedings Re: Motions Hearing	06/04/21	17	4210–4223
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
123	Recorder's Transcript of Proceedings Re: Motions Hearing	09/02/21	19	4610–4633
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
148	Second Amended Complaint	10/07/21	21 22	5246–5250 5251–5264
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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466	Transcript of Proceedings re Hearing Regarding Unsealing Record (Filed Under Seal)	10/05/22	129	31,923–31,943
350	Transcript of Proceedings re Status Check	10/10/22	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
336	Transcript of Proceedings Re: Motions Hearing	06/29/22	71	17,610–17,681
463	Transcript of Proceedings Re: Motions Hearing (Filed Under Seal)	02/10/22	128	31,673–31,793

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464	Transcript of Proceedings Re: Motions Hearing (Filed Under Seal)	02/16/22	128	31,794–31,887
38	Transcript of Proceedings, All Pending Motions	06/05/20	6	1350–1384
39	Transcript of Proceedings, All Pending Motions	06/09/20	6	1385–1471
46	Transcript of Proceedings, Plaintiff's Motion to Compel Defendants' Production of Unredacted MultiPlan, Inc. Agreement	07/29/20	7	1644–1663
482	Transcript of Status Check (Filed Under Seal)	10/10/22	142	35,248–35,258
492	Transcript Re: Proposed Jury Instructions	11/21/21	146	36,086–36,250
425	Trial Brief Regarding Evidence and Argument Relating to Out-of-State Harms to Non-Parties (Filed Under Seal)	10/31/21	109	26,953–26,964
232	Trial Brief Regarding Jury Instructions on Formation of an Implied-In-Fact Contract	11/16/21	41	10,198–10,231
233	Trial Brief Regarding Jury Instructions on Unjust Enrichment	11/16/21	41	10,232–10,248
484	Trial Exhibit D5499 (Filed Under Seal)		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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	on Order Shortening Time			
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.

Electronic notification will be sent to the following:

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

The Honorable Nancy L. Allf
DISTRICT COURT JUDGE – DEPT. 27
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director, or department head of Defendants knowingly permitted a violation under NRS 686A.310.

12. Whether TeamHealth Plaintiffs failed to exhaust any administrative remedies required to assert a judicial remedy under NRS 686A.310, NRS 683A.0879, NRS 689A.410, NRS 689B.255, NRS 689C.485, NRS 695C.185, and/or NAC 686A.675.

X. Estimate of Time Required for Trial

Jury selection will take place during the week of October 25, 2021, and opening statements will proceed on November 1, 2021. The Court has indicated to the Parties and the prospective jury that the trial will be completed by November 23, 2021 in advance of the Thanksgiving holiday.

XI. Other Matters the Parties Desire to Bring to the Attention of the Court

Deposition Clips at Trial:

- Plaintiffs propose that deposition cuts be played with all of one side's designations first, followed by the other side's designations thereafter, in the normal sequence as if a witness had been called live at trial.
- Defendants propose that the deposition testimony of a single witness that has been designated by the Parties should be played in its entirety and in the natural sequence of the deposition only once when that testimony is offered by either Party.

Demonstratives:

- Plaintiffs propose that the Parties do not exchange demonstratives in advance of use at trial and objections to demonstratives, if any, be handled in the course of presentation at trial. Alternatively, if the Parties are required to exchange demonstratives prior to opening, the Health Care Providers propose that the Parties exchange demonstratives to be used in opening on the morning of opening statements.

- 1 ○ Defendants object to this proposal and ask the Court to follow its standard
2 practice of requiring the Parties to exchange in advance any demonstratives that
3 will be used in opening statements and permit the opposing Parties to object prior
4 to opening statements so that the Court can address objections to demonstratives
5 that could otherwise be addressed outside the presence of the jury before opening
6 statements. TeamHealth Plaintiffs' proposal has the potential to unnecessarily
7 disrupt the flow of opening statements.

8 **Lunches:**

- 9 ○ The Parties have agreed, subject to the Court's approval, to provide individually
10 boxed lunches each day for the jurors, Court staff, and the Parties, after the jury
11 has been seated. The Health Care Providers will arrange for box lunches the first
12 three (3) days; Defendants will arrange for box lunches the following three (3)
13 days; and the Parties will continue to alternate in three-day periods for the
14 duration of trial. Through this process, which would obviate the need for jurors
15 to leave the courthouse for lunch, the Parties hope to permit the Court to keep the
16 lunch recess to no more than one hour where at all possible.

17 **Identification of Witnesses During Trial:**

- 18 ○ Plaintiffs propose that the Parties must disclose witnesses at 5:00 pm the day
19 before any witnesses are to be introduced at trial.
20 ○ Defendants propose that the Parties must disclose their witnesses one full court
21 day prior to any witness residing within Nevada being offered at trial, and three
22 full court days for any witness who resides outside the state of Nevada.

23 **Press Coverage:**

- 24 ○ The Health Care Providers' position is that the Court has already granted media
25 access to the trial. Nevada courts are open to the public and that presentation of
26 evidence at trial is subject to the public's access to trial. A prohibition of press
27 coverage would be directly contrary to the presumption of open courts and there
28 is no basis for sealing these proceedings from the public view. The Health Care

Providers will work in good faith with Defendants to seal any documentary evidence introduced at trial at the conclusion of the trial.

- Defendants intend to introduce evidence and argumentation at trial concerning competitively sensitive material that, if disclosed to the public, would place Defendants at a competitive disadvantage with third-party administrators and other entities. Given the highly proprietary nature of this material, Defendants propose that the Court prohibit press coverage of any portions of the trial in which the Parties intend to introduce competitively sensitive evidence and argumentation. Defendants will confer with TeamHealth Plaintiffs regarding the narrow subset of competitively sensitive evidence and argumentation that the Parties agree should not be presented before the press or public and submit that subset to the Court. Defendants do not otherwise object to press coverage of the trial.

Video Broadcast of Trial:

- The Health Care Providers' position is that the Court has already made arrangements for the livestreaming of trial via the Court's Bluejeans videoconferencing system. The Health Care Providers do not believe there is any justification for deviating from the Court's typical practice in this regard.
- Defendants agree that the trial may be live streamed so long as the live stream is conducted in a manner that limits viewing to client representatives in remote locations, and so long as no livestream of any portion of the trial is made available to the public that concerns competitively sensitive material that would place Defendants at a competitive disadvantage with third-party administrators and other entities. This can be effectuated by making the livestream password protected and having the Parties agree, with Court approval, that the livestream may only be viewed by client representatives.

Recording Fee:

- The Parties agree that Plaintiffs and Defendants will split the cost equally (50% to be billed each party).

DATED this 27th day of October, 2021.

DATED this 27th day of October, 2021.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on this 27th day of October, 2021, I caused a true and correct copy of the foregoing **JOINT PRETRIAL MEMORANDUM PURSUANT TO EDCR 2.67** to be served via this Court's Electronic Filing system in the above-captioned case, upon the following:

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CASE NO: A-19-792978-B

DEPT NO: 27

TRIAL DATE:

JUDGE:

CLERK:

REPORTER:

JURY FEES:

Fremont Emergency Services et al.

PLAINTIFF

COUNSEL FOR PLAINTIFF: AZA; McDonald

United Healthcare Group Inc. et al.

DEFENDANT

COUNSEL FOR DEFENDANT: O'Melveny & M

Exhibit Number	Identif. of Device	Description of Exhibit	Beginning Alphanumeric Designation on Exh.	End Alphanumeric Designation on Exh	Stipulated Yes / No	Date Offered	
1		Administrative Services Agreement	UNITED-DEF-0003567	UNITED-DEF-0003596			X
2		United Healthcare and Ingenix Settlement	FESM008702	FESM008735			Four prejt prob
3		Network Access Agreement between United and MultiPlan	DEF000722R	DEF000787R			X
4		Underpayments to Consumers by the Health Insurance Industry	N/A	N/A			Four relev over
5			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
6			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
7			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
8		Amendment to Network Access Agreement	DEF001388	DEF001520			Docu matc auth
9		Third Amendment to the Administrative Services Agreement between Walmart Stores Inc., Associates' Health and Welfare Plan and United	UNITED-DEF-0003708	UNITED-DEF-0003715			X
10		Administrative Services Agreement	UNITED-DEF-0003716	UNITED-DEF-0003837			X
11			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
12		Out-of-Network Billing Initiative Media Statement/Talking Points Q&A	DEF091276	DEF091281			Four prejt prob
13		Email re "FW: Egregious Biller Reduction Effort"	DEF091274	DEF091275			Four prejt prob
14			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			

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15			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
16		Data iSight for UnitedHealthcare	DEF300122	DEF300122			Four
17			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			hear
18			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
19		Email re "FW: Fully Insured Data iSight ER Claim Management"	DEF080044	DEF080046			X
20			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
21			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
22		Email "FW: Fully Insured DiS"	DEF091241	DEF091246			X
23		United's Presentation on Fully Insured Egregious Balance Billing Summary	DEF299764	DEF299764.18			Inco relev outw
24		Email re "Out-of-Network Proposal"	DEF102953	DEF102953			Rele outw foun
25		Out of Network Programs [Internal Use Only] Presentation	DEF303983	DEF303983			Inco relev
26		Customer Impact Advisory Group	DEF303259	DEF303267			Inco
27		Roseman University Student Injury and Sickness Insurance Plan with UnitedHealthcare	DEF083637	DEF083682			X
28		Amendment to Administrative Services Agreement	UNITED-DEF-0003641	UNITED-DEF-0003645			Doc mate
29		Administrative Services Agreement	UNITED-DEF-0003668	UNITED-DEF-0003707			Doc mate
30		MultiPlan "Benchmark Pricing Guide: Features & Implementation Considerations."	DEF280458	DEF280480			Doc mate inco foun prej prob
31		Email re "Out-of-Network Proposal"	DEF101824	DEF101824			Rele outw cum
32		Out-of-Network Providers at In-Network Hospitals: Theory and Evidence Yale Study with UHC's edits	DEF101825	DEF101827			Rele outw foun
33		Exhibit 3 - Study Addendum No. 2 to the Master Research Agreement	DEF102980	DEF102982			Rele outw foun
34		Data iSight: Maximize Savings Using a Patented Methodology by MultiPlan	DEF091315	DEF091324			Inco foun
35		Email re : "Data iSight HCFA and UB ER [GRI and UNET] and other questions	DEF301306	DEF301307			X

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36		Email re : "DiS optimization update"	DEF301308	DEF301308			Four preju prob
37		Email re: Yale/HCCI OON Study	DEF102978	DEF102979			Four preju prob cum
38		Data iSight Product and Methodology – Physician Module	DEF091488	DEF091493			Inco foun
39		UnitedHealthcare Employer & Individual - 2017 Financial supplement, Darren Moquist, CFO	DEF101833	DEF101890			Fon
40		Email re "Material for call Tomorrow on OON study"	DEF108330	DEF108330			Four preju prob
41		The Cost and Frequency of Surprise Out-of-Network Emergency Department Physician Bills	DEF108331	DEF108337			Four preju prob
42		United Market Data	DEF045754	DEF045754			X
43		United Healthcare OCM Optimization Agenda	DEF301882	DEF301883			Inco foun preju prob
44		Email "RE: OON -- Confidential -- phase 2"	DEF108722	DEF108729			Four preju prob cum
45		United Healthcare Egregious Biller Presentation	DEF329019	DEF329019			Inco foun
46		MultiPlan presentation entitled “UnitedHealthcare – ASO Product Review.”	DEF300337	DEF300337			Inco foun preju prob
47		Excel explaining that all UNET OON ER claims in Nevada are to be set at 480% of Medicare	DEF091427	DEF091427			Inco docu mat foun preju prob
48		Spreadsheet re Claims incurred from 3/1/2016-2/28/2017	DEF108818	DEF108818			Inco foun preju prob
49		Outlier Cost Management (Formerly Egregious Billing and OON Assistant Surgeon Processing) Standard Operating Procedure Presentation	DEF352044	DEF352079			Inco foun preju prob
50		Email re "*Materials for: CONF CALL: Emergency Room misuse/abuse; w/ Dr Migliori, S Hemsley, Dr Ho, et al.; UHG Corp., 9th Floor Atrium	DEF106556	DEF106558			Inco foun preju prob

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51		Email re "Aetna Changes SG Out-of Network Reimbursement Rates"	DEF352080	DEF352082			Rele outw subj
52		Email re "Notes 10/18: Final Discussion on OCM EBB Letters and Approval"	DEF080083	DEF080085			Inco foun preju prob
53		Email re "DataiSight"	DEF290949	DEF290960			Fou preju prob
54		Email re "DataiSight"	DEF302681	DEF302695			Fou preju prob cum
55		Balance Billing: Out of Network Physicians Practicing at In-Network Facilities	DEF108469	DEF108470			Fou preju prob
56		Email re "For Review: OON Talking Points"	DEF108467	DEF108468			Fou preju prob
57		American Hospital Association Underpayment by Medicare and Medicaid Fact Sheet	N/A	N/A			Fou preju prob
58			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
59			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
60		OON Program Overview	DEF107132	DEF107140			Inco foun
61		UnitedHealthcare Choice Plus Certificate of Coverage	DEF040021	DEF040186			X
62			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
63		Outlier Cost Management - Messaging, Media, and other Stakeholders	DEF303139	DEF303146			Inco foun
64		Spreadsheet shows that that for UHC's OON R&C reimbursement, their vendor is FairHealth	DEF293601	DEF293601			Inco docu matc foun
65		United spreadsheet, which states under "Charter" tab at cell B24 "Claims that are non-par but hit the member's INN benefit when SSP fails to achieve a discount. These claims currently pay at billed charges."	DEF290193	DEF290193			Inco foun preju prob
66		Commercial Group 2017 Business Plan - Strategic Summary	DEF328860	DEF328891			inco
67		United Presentation on Medical Cost Management Team Template for Stage 1 or Stage 2	DEF303119	DEF303137			Inco docu matc foun preju prob

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68		Summary Plan Description for Cleaver-Brooks Inc.	DEF447019	DEF447178			Inco relev
69		Southwest Airlines Welfare Benefit Plan Summary Plan Description	DEF446770	DEF446935			Inco relev
70		Outlier Cost Management for ASO Communications Strategy	DEF107123	DEF107128			Inco foun
71		Financial Renewal and Terms Agreement	UNITED-DEF-0003646	UNITED-DEF-0003661		X	
72		Email re "FOR REVIEW CRAIG PRESENTATIONS FOR JANUARY 12 AT 1:00EST"	DEF098406	DEF098407			X
73		Customer Impact Advisory Group Presentation by Sarah Peterson and Lia LaMaster	DEF098418	DEF098426			X
74		Customer Impact Advisory Group Presentation Notes by Sarah Peterson and Lia LaMaster	DEF098431	DEF098432			X
75		Letter from United to Boart Longyear Co. re 2017 Financial Renewal under the Administrative Services Agreement (ASA) between United Healthcare and Boart	UNITED-DEF-0000327	UNITED-DEF-0000339			X
76		United's Shared Saving Enhanced ASO Update	DEF417416	DEF417439			Inco foun preju prob
77		Email re " OT remark code questions on negotiations"	DEF080114	DEF080118			X
78		Email re "OON--Confidential -- DRAFT of Phase 2 Research Results"	DEF108701	DEF108701_0004			Rele outw foun hear
79		Email re "OON--Confidential -- LOOKING FOR INPUT AHEAD OF PHASE 2 PUBLICATION"	DEF108709	DEF108714			Rele outw foun hear
80		ASO Shared Savings enhanced Charter	DEF107142	DEF107144			Inco foun
81		Email re "Team Health in Missouri"	DEF480855	DEF480859			Inco foun preju prob
82		MultiPlan Analysis and Recommended Actions for Enhancing Savings Results	MPI003879	MPI003901			Inco foun relev outw
83		Email re "OON--Confidential -- phase 2"	DEF108730	DEF108738			Rele outw foun hear
84		Email re "***OPTIONAL ATTENDEE** OCM - MultiPlan Benchmark Pricing Overview"	DEF097966	DEF097966			Inco relev
85		Email re "OON--Confidential -- phase 2"	DEF108739	DEF108747			Rele outw foun hear
86		Email re "Requested OCM SOP Updates"	DEF319083	DEF319083			Foun

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87		United OCM COMET/UNET Process Standard Operating Procedure Presentation with edits	DEF319084	DEF319112			Four
88		Proposed Updates to United OCM COMET/UNET Process Standard Operating Procedure Presentation	DEF319113	DEF319116			Four
89		United Health Networks West Region Review	DEF330160	DEF330303			Inco foun preju prob
90		Business Update - Employer & Individual	DEF103667	DEF103683			Inco foun preju prob
91		Multi Plan "Support for Benchmark Pricing" document	DEF080081	DEF080082			Inco foun
92		Emergency Department Transformation Initiative	DEF437549	DEF437574			Inco foun preju prob
93		Email re "Follow up request"	DEF080123	DEF080125			Four preju prob
94		ASO SSP Benchmark Pricing	DEF103756	DEF103769			Inco foun
95		Email re "DiS Priced Fair"	DEF080121	DEF080122			Four preju prob
96		Email re "OCM - MultiPlan Benchmark Pricing Overview" with attached presentation	DEF097928	DEF097928			Inco cum
97		OCM Physician (Formerly EG Physician) Written Appeal Policy and Procedure	DEF310127	DEF310131			Inco foun
98		United spreadsheet, which states under "Charter" tab at cell B24 "Claims that are non-par but hit the member's INN benefit when SSP fails to achieve a discount. These claims currently pay at billed charges."	DEF290193	DEF290193			Inco
99			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
100		Email re "OON Manuscripts -- LATEST DRAFT"	DEF101727	DEF101729			Rele outw foun hear
101			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
102			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
103			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
104			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
105		United Market Data	DEF045755	DEF045755			X
106		United Market Data	DEF045764	DEF045764			X

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107		United Market Data	DEF045766	DEF045766			X
108		United Market Data	DEF109390	DEF109390			X
109		Shared Savings Program Enhanced for ASO Deployment Update	DEF257632	DEF257632			Inco foun prej prob
110			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
111		Out of Network Affordability for ASO	DEF280570	DEF280570			Inco foun
112			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
113			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
114		UMR Market Data Production	DEF109398	DEF109398			X
115			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
116			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
117			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
118			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
119		Email re "Canceled: Top NonPar HBP Groups-Contract Strategy Work Group"	DEF256140	DEF256141			Inco foun
120		AT & T Mobility Medical Program - Summary Plan Description	DEF035370	DEF035606			X
121		2017 Sprint Account Medical Plan	DEF040242	DEF040298			x
122		2017 Client Advisory Board MeetingAttendee List	MPI000145	MPI000146			X
123		2017 HPN MLR_Template_Nevada	N/A	N/A			Auth
124		2017 Sierra MLR_Template_Nevada	N/A	N/A			Auth
125		2017 United MLR_Template_Nevada	N/A	N/A			Auth
126		2017 Commercial Plan: Strategic Scorecard	DEF098356	DEF098405			Inco foun prej prob
127		Financial Renewal and Terms Agreement	UNITED-DEF-0003662	UNITED-DEF-0003667			X
128		MultPlan Project Initiation Request	DEF280553	DEF280554			Inco foun cum
129		MultPlan Project Initiation Request	MPI003675	MPI003678			Four relev outw
130			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
131			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			x
132		ASO SSP Benchmark Pricing	DEF458941	DEF458954			Doc mate

006513

133		Email re "Data iSight Enhancements (UMR)"	MPI020130	MPI020132			Four relev outw
134		Email re "(9:00-11:00am CT) TeamHealth/UnitedHealthcare Networks meeting"	DEF529188	DEF529191			Rele
135		Email re "TeamHealth-UHN Meeting Next Week"	DEF098352	DEF098352			X
136			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			x
137			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
138		UHONE OCM Implementation Updates	DEF509851	DEF509851.8			Doc mat
139		Email re "MRA Enhancements"	DEF010455	DEF010456			Four relev outw
140			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
141		Email re "Data iSight OP Cap at 400% CMS"	MPI020112	MPI020112			Four relev outw
142		UnitedHealthcare Choice Plus Certificate of Coverage for the Plan AGZ7 of Collaborative Care Services, Inc. dba Optum Partner Services	DEF022089	DEF022272			X
143		2018 West Region Performance United document	DEF517472	DEF517473			Inco foun prej prob
144		UHC Shared Savings Program Enhanced	DEF306721	DEF306732			Four
145		United Healthcare Blanket Student Accident and Sickness Insurance Plan"	DEF085140	DEF085221			X
146		United Healthcare Certificate of Coverage for the Plan AGZZ of Winzer Corp.	DEF017963	DEF018144			X
147		Administrative Services Agreement	UNITED-DEF-0001302	UNITED-DEF-0001356			X
148		Financial Renewal and Terms Agreement	UNITED-DEF-0003620	UNITED-DEF-0003640			X
149		Financial Renewal and Terms Agreement	UNITED-DEF-0003838	UNITED-DEF-0003841			X
150		Financial Renewal and Terms Agreement	UNITED-DEF-0003842	UNITED-DEF-0003862			X
151		2018 HPN MLR_Template_Nevada	N/A	N/A			Auth
152		2018 Sierra MLR_Template_Nevada	N/A	N/A			Auth
153		2018 United MLR_Template_Nevada	N/A	N/A			Auth
154		UHC Core Essential OON Program Overview Presentation	DEF281923	DEF281923			Inco foun
155		Example of a United member reimbursement	DEF080047	DEF080048			Four
156		Example of a United member reimbursement	DEF251695	DEF251697			Inco foun
157		Email re "FW: CRS Enhancements 2018 - ER Pricing"	DEF091231	DEF091233			Four prej prob
158		Southwest Airlines Welfare Benefit Plan Summary Plan Description	DEF009181	DEF009332			X

006514

159			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
160			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
161		Email re "Follow up Q from Q4 report out"	DEF080131	DEF080133			Four prej prob
162		Email re "Follow up Q from Q4 report out"	MPI000902	MPI000904			Four relev outw
163			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
164			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
165			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
166		Email re "UMR Benchmark Pricing Analytic Review - ER Services Breakout"	MPI020172	MPI020176			Four prej prob
167		Email re "CRS Enhancements 2018 - ER Pricing"	DEF091228	DEF091230			Four prej prob
168			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
169		United Healthcare: Implementing Benchmark Pricing Presentation	DEF280680	DEF280706			Inco foun
170		Email re "Quarterly Meeting"	DEF272426	DEF272426			Rele
170A		MultiPlan Update for United HealthCare	DEF272428	DEF272428			Four
171		Email re "question on fees"	DEF079960	DEF079960			Rele outw
172			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			X
173			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
174		Email re "TeamHealth"	DEF257568	DEF257570			X
175		Enhancing Out of Network Competitive Position	DEF257589	DEF257589			Inco foun
176			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			X
177			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
178		Email re "Data iSight reporting Fully Insured/ASO - request additional details"	DEF079914	DEF079919			X
179			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
180			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
181			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			

006515

182			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
183		Email re "Review Samples of Reimbursement - Payment Integrity"	DEF446768	DEF446769			X
184			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			x
185		United Healthcare Certificate of Coverage for the Plan VKZ of Energy Inspectors Corporation	DEF034177	DEF034346			X
186			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
187		Enhancing Out of Network Competitive Position	DEF100401	DEF100408			Inco foun cum
188		Email re "United DiS - ER Professional"	MPI023215	MPI023216			Four relev outw
189		Email re "Shared Savings Program Assessment - Follow up"	DEF272607	DEF272608			Four
190		OON Packages Final Jan 2018 Full with UMR 04052018 Excel	DEF272609	DEF272609			Four
191			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
192			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
193		Enhancing Out of Network Competitive Position	DEF517516	DEF517525			Inco foun
194			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			x
195			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
196			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
197			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			x
198			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
199			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			x
200			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
201			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			x
202			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
203			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
204			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
205			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
206		Data iSight Professional Methodology from MultiPlan	DEF259563	DEF259564			Inco foun

006516

207			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
208		OON Shared Savings Comparison: UMR and UNET Presentation	DEF245054	DEF245054			Four preju prob
209			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
210			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
211			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
212		Email re "OCM Adoption"	DEF274785	DEF274789			X
213		Email re "OCM ER Change Opportunity"	DEF289963	DEF289964			Four preju prob
214			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
215			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
216			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
217			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
218		Email re "Claims Specific Experience - Internal Employee Issue - updated status adj completed"	DEF274985	DEF274988			Rele outw hear
219			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			X
220		Out of Network Programs Presentation	DEF245062	DEF245062			Inco foun
221			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
222		Email re "United Priorities - Request for 10/1"	MPI023680	MPI023681			Four relev outw
223			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
224			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
225			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
226			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
227			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
228			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
229		Email re "OCM ER Change Opportunity"	DEF311477	DEF311477_0009			Rele hear

006517

230		OON Shared Savings Comparison: UMR and UNET	DEF245602	DEF245602			Four preju prob
231		Amendment to Network Access Agreement	DEF280789	DEF280806			X
232		Email re "SSP_UMR and UNET compare 07192018.pptx"	DEF245053	DEF245053			Four preju prob
233		United reduced FI ER claims	DEF277502	DEF277505			Inco foun
234			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
235			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
236		United Enterprise Value: TCOC Presentation	DEF245277	DEF245310			Inco foun preju prob
237		Email re " For your review - OCM Rate Reduction (ER, [Redacted, for ASO - can we target a 10/1/18 (date of process) Go Live?"	MPI023818	MPI023820			Four relev outw
238		UHC Document entitled "UHC-UNET DiS" Institutional ER Reduction to 250% for Fully Insured and Professional & Institutional ER Reduction to 250% for ASO .	DEF279341	DEF279341			Inco foun
239		"Out of Network Change the Narrative. Change the Performance." Presentation	DEF245023	DEF245052			Inco foun preju prob
240			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			X
241		Email re "Federal/Cassidy Surprise Billing Discussion Draft"	DEF276400	DEF276401			Four
242			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
243		Email re "UMR compare"	DEF245601	DEF245601			Four preju prob
244		Email re "CEO Call - OON Programs"	DEF276981	DEF276982			Four preju prob
245			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
246		Non-Par Opportunities - UHC Ops Meeting Presentation	DEF247182	DEF247192			Inco foun preju prob
247			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			X
248			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
249			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			

006518

250			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
251		Email re "Data iSight Methodology Change to Professional Claims"	DEF091282	DEF091282			Four prej prob
252			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
253			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
254		Redacted email	DEF247061	DEF247065			X
255			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			x
256			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
257			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
258			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
259		Email re "OON Emergency Physicians - December 14 Review Draft"	DEF102125	DEF102126			Four prej prob
260		Inflated Charges by Out-of-Network Emergency Physicians Total \$8 Billion Each Year	DEF102127	DEF102128			Four
261		Email re "UMR/UHC OON program compare"	DEF279508	DEF279509			x
262		UHC UMR OON Compare Jan15_2019(v1)(2) excel	DEF279510	DEF279510			x
263		UMR_UHC compare v1 PowerPoint	DEF279511	DEF279511			x
264		2018 Client Advisory Board Meeting Attendee List	MPI000249	MPI000250			X
265			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			Four
266		UnitedHealthcare Employer & Individual 2019 Business Plan	DEF100006	DEF100042			Docu matc inco foun
267		UNET Outlier Cost Management (SSPe) High-Level Overview	DEF251687	DEF251687			Inco foun
268		EHCv: Executive Summary	DEF102212	DEF102220			Inco foun prej prob
269		OCM ceiling 350% of CMS starting 11/1/2019	DEF307778	DEF307781			Four prej prob
270		Out of Network Management + National Home Infusion Contracting Team	DEF401428	DEF401439			Inco docu matc foun prej prob
271		Sierra Aggregated Market Data Report	DEF011274	DEF011274			X

272		UNET Aggregated Market Data Report	DEF011275	DEF011275			X
273		United's Presentation on Re-Defining the E&I Strategy and Enabling Operating Model	DEF100526	DEF100722			Inco foun prej prob
274		2019 HPN MLR_Template_Nevada	N/A	N/A			Auth
275		2019 Sierra MLR_Template_Nevada	N/A	N/A			Auth
276			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
277		2019 United MLR_Template_Nevada	N/A	N/A			Auth
278		UnitedHealthcare Choice Plus UnitedHealthcare Insurance Co. Certificate of Coverage (2019)	DEF015234	DEF015403			Docu mate
279		Example of United Healthcare Member Explanation of Benefits	FESM009354	FESM009354			Prej prob foun
280		Example of United Healthcare Member Explanation of Benefits	FESM009363	FESM009363			Prej prob foun
281		Example of United Healthcare Member Explanation of Benefits	FESM009371	FESM009371			Prej prob foun
282		2019 Client Advisory Board Meeting Attendee List	MPI000312	MPI000312			X
283			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
284			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			x
285		ASO Spending excel	DEF102220	DEF102220			Inco foun prej prob
286		Naviguard Key Accounts Sales Strategy Discussion	DEF104103	DEF104103			Inco foun prej prob
287		UnitedHealthcare Choice Plus Certificate of Coverage for the BEYH of Insperity Holdings, Inc.	DEF015234	DEF015403			X
288		United's Presentation on Value Creation	DEF248316	DEF248521			Inco foun prej prob
289		Email re "TeamHealth"	DEF279567	DEF279567			Four relev outw
290		UnitedHealthcare Choice - UnitedHealthcare Insurance Company - Certificate of Coverage for the Plan BCWQ	DEF249844	DEF250025			X
291		Tesla Summary Plan Description PPO Plus Plan	DEF075759	DEF075950			X
292			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
293		Email re "HBP/ER Contracting Efforts"	DEF279546	DEF279548			X

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							Inco relev outw cum
294		EHCv: Executive Summary	DEF280565	DEF280565			
295		Email re "ACA and Emergency Care reimbursement"	DEF359181	DEF359183			X
296			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
297			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
298			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
299			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
300		UnitedHealthcare (UHC 19-02) - Reduce BMP Factor	DEF280449	DEF280457			Inco foun
301			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
302			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
303		2017 Egregious Billing & ENRP Report	DEF307796	DEF307796			
304		2017 Egregious Billing ENRP	DEF307797	DEF307797			
305		Email re "CASH Data Validation - ACTION REQUIRED"	DEF401463	DEF401465			Four preju prob
306		Attachment from Email re "CASH Data Validation - ACTION REQUIRED"	DEF401466	DEF401466			Four preju prob
307			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
308			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
309			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
310			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
311			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
312			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
313		Eamil re HPN, SHL, SHO and FES Termination Confirmation Letters	FESM001238	FESM001239			Inco impr foun preju prob
314			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
315			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
316			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			

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317		Email re "Team Health"	DEF335365	DEF335365_0001			X
318		UHC letter to Congress regarding balance billing	DEF524528	DEF524534			Inco
319		Letter from United to Universal Health Services re 1/1/2019 Financial Renewal under the ASA between United and Universal Health	UNITED-DEF-0003610	UNITED-DEF-0003619			X
320		OON table, remark codes and standard reporting process (SSP/Wrap Network to OCM in 2019)	DEF248911	DEF248912			Inco
321			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
322		UHC writes letter to Congress regarding balance billing	DEF454951	DEF454951_0003			X
323		United Current Experience Chart	DEF264543	DEF264547			Doc mate inco foun
324		Project Airstream MVP Overview Presentation	DEF472280	DEF472280			Four prej prob
325			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			x
326			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
327			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
328			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
329		2019 E&I Performance - Affordability/EHCV	DEF099168	DEF099262			Doc mate inco foun prej prob
330			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			x
331		Email re "High Cost Par Provider Review - Due March 27"	DEF289525	DEF289527			Four prej prob
332			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
333			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			x
334		Email re "Project Airstream"	DEF472279	DEF472279			Four prej prob
335		Email re "Earnings "Pre Prep" Follow-ups"	DEF525205	DEF525209			Rele outw
336			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
337			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			

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338			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
339			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
340		Email re "Equity Healthcare OON Program Client Summary"	DEF516823	DEF516823			Inco
341		Email re "Project Airstream MVP Overview"	DEF528368	DEF528368			Four preju prob
342		Project Airstream MVP Overview Presentation	DEF528310	DEF528310			Four preju prob
343		Email re "Just checking in to see if the new United ED claim report for Q19 is available?"	FESM008961	FESM008962			Inco
344		Out of Network Program Update	DEF249427	DEF249436			Inco foun preju prob
345		EHCv: OON Program Update	DEF528126	DEF528136			Inco foun preju prob
346		Email re "Elite Medical Center"	DEF460390	DEF460394			Four preju prob
347		United Healthcare Out of Network Cost Management Programs (Key Accounts, ASO/Self-Funded)	DEF463220	DEF463.220.40			Four
348			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			Inco foun
349			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			Inco
350			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			Four
351			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			Four preju prob
352			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			X
353			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			x
354		Email re Project Airstream MVP Overview	DEF528309	DEF528310			Four preju prob
355		Email re "MBR Meeting June 11 - Provable Medical and Operating Superiority (Draft 1)"	DEF097974	DEF097974			Four preju prob
356		Email re "OON Par Median 05-29-19"	DEF282169	DEF282169			Four
357		OON Par Median 05-29-19 PowerPoint	DEF282170	DEF282170.11			Four

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358		UHC presentation entitled "Project Airstream Overview"	DEF528394	DEF528433			Inco foun preju prob
359		Email re "Action required - ER charges"	DEF529855	DEF529862			X
360		Email Re: National Account SSP 2 + 10 Assumptions	DEF250817	DEF250818			Four
361		Email Re: Shared savings - Employer Shared Savings 2019 Budget - All Reions 041219	DEF103857	DEF103857			Four
362			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			X
363		United website that shows they use Fair Health as a benchmark	FESM000335	FESM000341			Four relev outw
364		Email re "TeamHealth"	MPI004946	MPI004946			Four relev outw
365		UnitedHealthcare Choice Plus Certificate of Coverage, Riders, Amendments, and Notices for Canyon Ridge Oral & Maxillofacial Surgery	DEF018973	DEF019178			X
366		Email re "SSP"	DEF253353	DEF253356			Four
367		UHC's "Out-of-Network Cost Management Programs"	DEF104025	DEF104048			X
368		UHC's "Out-of-Network Cost Management Programs (Key Accounts, ASO/Self-Funded)"	DEF104013	DEF1040024			X
369			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
370		SSP	DEF253353	DEF253356			Four
371		TeamHealth letters to United re Provider Dispute Reconsideration/Appeal for the Physicians Practice noted in Exhibit A	FESM000001	FESM000003			Inco impr foun preju prob
372			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
373		TeamHealth letters to United re Provider Dispute Reconsideration/Appeal for the Physicians Practice noted in Exhibit A	FESM000005	FESM000007			Inco impr foun preju prob
374			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
375		Member Explanation of Benefits (Jose Davila)	DEF049421	DEF049424			Four
376		Email re "Data iSight/TeamHealth"	MPI005116	MPI005118			X
377			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
378		UHN E&I: Market Competitiveness	DEF100486	DEF100507			Inco foun preju prob

379		Email re "Final Review: Out of Network Cost Management Programs External Presentation"	DEF253984	DEF253986			Found
380		Out of Network Cost Management Programs	DEF253987	DEF253987.33			Found
381			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
382			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
383			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
384			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
385		Clinical Services 2020 Business Plan - Executive Summary	DEF109224	DEF109245			Incomplete found pre-judicial problem
386		Enterprise Health Care Value Monthly Business Report	DEF098545	DEF098568			Incomplete found pre-judicial problem
387			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
388			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
389			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
390			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
391			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
392			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
393			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
394		Email re "Appeals, next steps"	DEF283765	DEF283767			X
395		OCM ASO Administration Options	DEF283768	DEF283768			X
396		MultiPlan United Healthcare Project/Change Request Form	DEF309633	DEF309634			Incomplete found pre-judicial problem
397		United Healthcare Video Transcript: TCOC_NatalieWilliams_8_Small.mp4; Approximate Time: 9:27	FESM008697	FESM008699			Found authentic hearing
398		NE TCOC - NatalieWilliams_8 (1)	N/A	N/A			Found authentic hearing
399			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			X
400		Competitive Landscape for Cost Management Presentation by MultiPlan	DEF299508	DEF299508			X

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401		Email re "OCM Remard Code Refinements ***Require MP Review***"	DEF311518	DEF311518_0007			Four
402			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
403		Out of Network - Enterprise Health Care Value Work Stream Strategy & Framework	DEF298855	DEF298855			Inco foun preju prob
404			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
405		Email re "Agenda Items for 10/3 Governance Meeting"	DEF326168	DEF32616171			Four preju prob
406			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			x
407			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			x
408			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
409			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
410			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
411			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
412		Email re "My notes from the MultiPlan meeting yesterday"	DEF330041	DEF330042			X
413		Data Sight - Dunbar View My Claims	FESM001441	FESM001443			Auth
414		Hospital Based Physician (HBA)(HCFA) Vended Solution Change	DEF295711	DEF295712			Four preju prob
415		Email re "Bi weekly Lead Meeting 101519 Meeting Minutes"	DEF338196	DEF338198			Four preju prob hear
416			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			x
417			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
418		Email re "Provider Term - Review proposed reporting"	DEF298760	DEF298761			Doc matc
419			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			x
420		Roadmap Updated 021819	DEF456881	DEF456881			Rele
421		Medical Cost Reduction- Best Practices - Out of Network	DEF457346	DEF457351			Inco foun
422		ASA & SPD Language	DEF473006	DEF473007			Inco foun

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423		Enterprise Health Care Value West Region QB Kick-off Summit	DEF391237	DEF391244			Inco foun preju prob
424		Health Care Financial Services of TeamHealth - Policy & Procedure Billing Center and Operations	FESM001549	FESM001551			X
425		UHC National Provider Relationships	DEF491011	DEF491013			Inco foun preju prob
426		West Region Quarterback Kick-Off Summit	DEF431289	DEF431406			Inco
427		Email re "ER Claim 19043161526"	DEF344363	DEF344363			Four preju prob
428		19043161526 Claim Form	DEF344364	DEF344365			Four preju prob
429			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
430			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
431			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
006527 432		United's 2019 Business Plan	DEF100095	DEF100141			Inco foun preju prob
433		Email re "Surprise Billing"	DEF103981	DEF103981			Four preju prob
434			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
435			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			X
436		Email re "Ceiling Negotiations for HBP"	DEF519507	DEF519509			Four preju prob
437		MultiPlan presentation to United entitled "Initiatives to Improve Competitive Position".	MPI005210	MPI005225			Four relev outw
438			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			X
439			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
440		Email re "R and C Adoption"	DEF104009	DEF104012			X
441		UnitedHealthcare Hospital Based Providers Threshold Change	DEF307764	DEF307775			Inco foun preju prob

442		Email re "UnitedHealthcare Team Health Guidelines"	DEF340599	DEF340599			Four preju prob
443		MultiPlan UnitedHealthcare Team Health Guidelines attachment	DEF340600	DEF340601			Four preju prob
444		Member Explanation of Benefits (Veronica Luna)	DEF223961	DEF223965			Four
445		UnitedHealthcare Networks 2020 Business Plan	DEF109169	DEF109203			Inco foun preju prob
446			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			x
447		United Healthcare 2020 Employer & Individual Business Plan	DEF109030	DEF109056			Inco foun preju prob
448		United Healthcare 2020 Business Plan Introduction	DEF109015	DEF109029			Inco foun preju prob
449		UHC/UMR Out of Network Program Comparison	DEF245055	DEF245057			Four preju prob
450		OON - Double Down	DEF098577	DEF098578			Inco foun preju prob
451		UHC 19-12: United Healthcare Hospital Based Providers (HBP) Threshold Change	MPI012635	MPI012653			Four relev outw cum
452		UHC 20-05: United Healthcare Hospital Based Providers (HBP) Processing Enhancements	MPI010990	MPI011005			Four relev outw cum
453		MultiPlan Project Initiation Request	MPI010627	MPI010630			Four relev outw
454		NV FH Data Request	FESM008657	FESM008657			Four
455		UHC "Out of Network Double Down"	DEF103601	DEF103603			Inco foun preju prob
456			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
457		MultiPlan Initiatives to Improve Competitive Position Presentation	MPI021384	MPI021393			Four relev outw

458		Member Explanation of Benefits (Maurelle Lott)	DEF223943	DEF223948			Four preju prob
459			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			X
460		Email re "MultiPlan Shared Savings: UHC / data iSight"	MPI021425	MPI021428			Four relev outw
461		United Market Data	DEF109396	DEF109396			X
462		UHC West Region 2020 Business Planning	DEF430325	DEF430358			Inco
463		Naviguard - "Provider of Interest" SWAT Team	DEF457817	DEF457844			Inco
464		Naviguard - Comparison to OCM	DEF297470	DEF297470			Inco
465			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
466		Naviguard Balance Bill Challenger Bundle	N/A	N/A			Four
467		Fair Health Consumer - In Network and Out of Network Emergency Department Visit	N/A	N/A			Four preju prob
468		All Initiatives Excel	DEF281266	DEF281266			Inco foun preju prob
469		FI First Pass Claim Flow Chart	DEF302149	DEF302151			Inco foun preju prob
470		Online Routing System Complete History	DEF234751	DEF234751			Four
471		United presentation entitled "Commercial Competitor Financial Review"	DEF528277	DEF528289			X
472		Method Used to Determine Out of Network Payments	DEF252401	DEF252401			X
473		Disputed Claims File	FESM020911 (A)	FESM020911 (A)			X
474		United Healthcare Networks E&I UCRT Scenario Planning	DEF254741	DEF254741			Doc mate relev
475		Commercial non-par savings for 2016-2018	DEF103863	DEF103863			Inco foun preju prob
476		United Healthcare Presentation on Parking Lot, Non Par Medical Spend Management, Market QB Tasks, etc.	DEF253084	DEF253104			Four preju prob
477		UnitedHealthcare Out of Network Programs	DEF251704	DEF251704			Four
478			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
479		UHC PowerPoint	DEF271366	DEF271366			Inco foun preju prob

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480			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
481			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
482		United Healthcare - Our Story Page	N/A	N/A			X
483		OCM Dispute Rate & Saving Retention by Rebecca Paradise	DEF282047	DEF282047			X
484			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			X
485		Data iSight Benefit Plan Language and EOB Requirement	DEF302713	DEF302718			Inco foun
486		MultiPlan Support for Benchmark Pricing	DEF319764	DEF319764			Inco foun
487		OON Affordability and Ops	DEF319767	DEF319771			Inco foun cum
488		United Healthcare - Member Rights & Responsibilities Page	N/A	N/A			X
489			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			Four prej prob
490		Out of Network End to End Review Presentation	DEF248650	DEF248650			Inco foun prej prob
491		Spreadsheet showing the push from WRAP networks to other OON programs like ENRP	DEF249558	DEF249558			Inco foun prej prob
492			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
493		United Claims Data for Plaintiff TINs	UNITED-DEF-0003558	UNITED-DEF-0003566			X
494		Administrative Services Agreement	UNITED-DEF-0003567	UNITED-DEF-0003596			X
495		United Claims Data for Plaintiff TINs	UNITED-DEF-0003559	UNITED-DEF-0003559			X
496		United Claims Data for Plaintiff TINs	UNITED-DEF-0003560	UNITED-DEF-0003560			X
497		United Claims Data for Plaintiff TINs	UNITED-DEF-0003561	UNITED-DEF-0003561			X
498		United Claims Data for Plaintiff TINs	UNITED-DEF-0003562	UNITED-DEF-0003562			X
499		United Claims Data for Plaintiff TINs	UNITED-DEF-0003563	UNITED-DEF-0003563			X
500		United Claims Data for Plaintiff TINs	UNITED-DEF-0003564	UNITED-DEF-0003564			X
501		United Claims Data for Plaintiff TINs	UNITED-DEF-0003565	UNITED-DEF-0003565			X
502		United Claims Data for Plaintiff TINs	UNITED-DEF-0003566	UNITED-DEF-0003566			X
503		Summary of Deal's "United Market Data" File	N/A	N/A			Four misc evid
504		Summary of Deal's "United Market Data" File - Comparison to Deal's Opinions & PC's Actual Numbers	N/A	N/A			Four misc evid

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505		Summary of Plaintiff's Disputed Claim File	N/A	N/A			Four misc evid
506			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
507		Administrative Services Agreement	BOART215	BOART253			Doc mate
508			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
509			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			
510		UnitedHealthcare Choice Plus Certificate of Coverage for Plan VKY (Mid Plan)	DEF040021	DEF040186			Doc mate
511		Deal's FIG 3A R output	N/A	N/A			Four misc evid
512		Summary of Deal's "United Market Data" File - Top 5 Provider TINs	N/A	N/A			Four misc evid
513		AHIP HealthCare Dollar	N/A	N/A			Four auth relev outw
514		United 2015 10K	N/A	N/A			Four relev outw
515		United 2016 10K	N/A	N/A			Four relev outw
516		United 2017 10K	N/A	N/A			Four relev outw
517		United 2018 10K	N/A	N/A			Four relev outw
518		United 2019 10K	N/A	N/A			Four relev outw
519		United 2020 10K	N/A	N/A			Four relev outw
520		MultiPlan 2020 10K	N/A	N/A			Four relev outw
521		MultiPlan 2020 Amended 10K	N/A	N/A			Four relev outw
522			INTENTIONALLY OMITTED	INTENTIONALLY OMITTED			

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[illegible]

CASE NO: A792978

TRIAL DATE: Oct. 25, 2021

DEPT NO: XXVII

Fremont Emergency Services
PLAINTIFF
v.

UnitedHealth Group, Inc.
DEFENDANT

JUDGE: Hon. Nancy L. Allf
CLERK: Nicole McDevitt
REPORTER: Brynn White
JURY FEES:
COUNSEL FOR PLAINTIFFS: Pat Lundvall, *et al.*

COUNSEL FOR DEFENDANTS: D. Lee Roberts, Jr.
K. Lee Blalack II
Colby L. Balkenbush
Dimitri D. Portnoi

DEFENDANTS' TRIAL EXHIBIT LIST

Exhibit	Exhibit Description	Bates Numbers	Objection	Stipulated	Offered	Date Offered	Admitted	Date Admitted
4001	Administrative Services Agreement between United and Boart	BOART215 - BOART253	48.025; 48.035; MIL; Court's Prior Orders					
4002	Sierra (Commercial) Claims Data for TeamHealth Plaintiffs	UNITED-DEF-0003558						
4003	Sierra (Government) Claims Data for TeamHealth Plaintiffs	UNITED-DEF-0003559	48.025; 48.035; 51.065; MIL; Court's Discovery Order					
4004	Student Resources Claims Data for TeamHealth Plaintiffs	UNITED-DEF-0003560	48.035					
4005	UHC Claims Data for TeamHealth Plaintiffs	UNITED-DEF-0003561						
4006	UMR Claims Data for TeamHealth Plaintiffs	UNITED-DEF-0003562						
4007	Student Resources, Supplemental Field Lookup - UHC Network Provider Flag by Claim	UNITED-DEF-0003563	48.035					
4008	UHOPS, Supplemental Field Lookup - UHC Network Provider Flag by Claim	UNITED-DEF-0003564	51.065; 52.015					
4009	UMR, Supplemental Field Lookup - Provider Network Description by Claim	UNITED-DEF-0003565	51.065; 52.015					
4010	UNET, Supplemental Field Lookup - OON Program and Legal Entity by Claim	UNITED-DEF-0003566	51.065; 52.015					
4011	Disputed Claims Matched with United Defendants' Claims, Version 3	UNITED-DEF-0004003	48.035					
4012	Data iSight Letters of Agreement	COLLECT RX 00001 - COLLECT RX 00071 COLLECT RX 00073 - COLLECT RX 00120 COLLECT RX 00122 - COLLECT RX 00222	48.025; 48.035; MIL; 51.065					
4013	Team Health NV UHC Case Data	COLLECT RX 00072	48.025; 48.035; 51.065; 52.015					
4014	Team Health NV UHC - Pull Stlmnt Final Doc Updated	COLLECT RX 00121	48.025; 48.035; 51.065; 52.015					
4015	Decl of Jane Stalinski In Support of Motion to Dismiss (05/21/19)	DEF000001 - DEF000003	51.065					
4016	Decl of Maryann Britto In Support of Motion to Dismiss (5/21/19)	DEF000004 - DEF000006	51.065					
4017	Decl of Shawna Reed in support of Motion to Dismiss (05/21/19)	DEF000007 - DEF000009	51.065					
4018	Decl of Ellen Sinclair in Support of Motion to Dismiss (05/21/19)	DEF000010 - DEF000012	51.065					
4019	Decl of Jane Stalinski in support of Opps to Mtn to Remand (06/21/19)	DEF000013 - DEF000015	51.065					
4020	Decl of Maryann Britto in support of Def Opps to Mtn to Remand (06/21/19)	DEF000016 - DEF000018	51.065					
4021	Decl Shawn Reed in Support of Def Opps to Mtn to Remand (06/21/19)	DEF000019 - DEF000021	51.065					
4022	Decl Ellen Sinclair in support of Def Opps to Mtn to Remand (06/21/19)	DEF000022 - DEF000024	51.065					
4023	Sample claims forms for Fremont claims (06/21/19)	DEF000025 - DEF000069						
4024	Sample claims forms for SHO (06/21/19)	DEF000070 - DEF000108						
4025	Article in NV Independent (06/21/19)	DEF000109 - DEF000113	51.065; 48.025; 48.035					
4026	Fremont ER SHL Amendment (08/15/18)	DEF000114	48.025; 48.035; MIL; Court's Discovery Order					
4027	Fremont Medicaid Amendment (08/01/18)	DEF000115 - DEF000122	48.025; 48.035; MIL; Court's Discovery Order					
4028	Fremont Responses to 07/14/2018 Term (09/10/18)	DEF000123 - DEF000124	48.025; 48.035; MIL; Court's Discovery Order					
4029	Fremont Responses to 08/30/18 Term (7/15/2015)	DEF000125 - DEF000127	48.025; 48.035; MIL; Court's Discovery Order					
4030	HPN Amendment (09/10/18)	DEF000128 - DEF000136	48.025; 48.035; MIL; Court's Discovery Order					
4031	HPN response to 08/30 Fremont Term (03/13/18)	DEF000137 - DEF000139	48.025; 48.035; MIL; Court's Discovery Order					
4032	January 2018 Term HPN Response (07/14/18)	DEF000140 - DEF000141	48.025; 48.035; MIL; Court's Discovery Order					
4033	July 14/2018 Term (7/15/2015)	DEF000142 - DEF000144	48.025; 48.035; MIL; Court's Discovery Order					
4034	Sierra Response to Fremont Term (08/03/18)	DEF000145 - DEF000153	48.025; 48.035; MIL; Court's Discovery Order					
4035	Sierra Health&Life Insurance Company Amendment to Individual/Group Provider Agreement (7/15/2015)	DEF000154 - DEF000156	48.025; 48.035; MIL; Court's Discovery Order					
4036	2019 UHC Care Provider Admin Guide (01/01/19)	DEF000157 - DEF000418	48.025; 52.015					
4037	2020 UHC Care Provider Admin Guide (01/01/20)	DEF000419 - DEF000687	48.025; 52.015					
4038	Policy for Out of Network Providers (04/03/18)	DEF000688	52.015					

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Exhibit	Exhibit Description	Bates Numbers	Objection	Stipulated	Offered	Date Offered	Admitted	Date Admitted
4039	Emergency Health Care Services (06/01/19)	DEF000689 - DEF000700	52.015					
4040	Emergency and Urgently needed health Care Services (06/01/19)	DEF000701 - DEF000711	52.015					
4041	Hospital Notifications	DEF000712 - DEF000714						
4042	Information on payment of out of network benefits	DEF000715 - DEF000721						
4043	Network Access Agreement (01/01/10)	DEF000722 - DEF000787	Did Not Receive - Reserving Objection					
4044	Network Access Agreement between UnitedHealthcare and MultiPlan (1/1/10)	DEF000722R - DEF000787R	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4045	Amendment to Network Access Agreement (01/01/13)	DEF000788 - DEF000821	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4046	Amendment to Network Access Agreement (10/01/17)	DEF000822 - DEF000836	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4047	Amendment to Network Access Agreement (09/01/18)	DEF000837 - DEF000854	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4048	UnitedHealth Plan Management: Out-of-Network Providers	DEF000855 - DEF000900						
4049	2018 UnitedHealthcare Care Provider Administrative Guide	DEF000901 - DEF001170	48.025; 52.015					
4050	2017 UnitedHealthcare Care Provider Administrative Guide	DEF001171 - DEF001379	48.025; 52.015					
4051	WITHDRAWN							
4052	Network Access Agreement and subsequent amendments between UnitedHealthcare and MultiPlan (1/1/10)	DEF001388 - DEF001520	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4053	Amendment to Network Access Agreement (10/01/17)	DEF001521 - DEF001535	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4054	Administrative Records for TeamHealth Plaintiffs' Claims	DEF001536 - DEF003358	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4055	Administrative Records for TeamHealth Plaintiffs' Claims	DEF003359 - DEF010454	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4056	WITHDRAWN							
4057	WITHDRAWN							
4058	Email from J. Kienzle to R. Paradise Re TeamHealth (06/21/19)	DEF010458 - DEF010459						
4059	Aggregated Market Data (09/01/20)	DEF010558						
4060	Aggregated Market Data Report (unet)	DEF010558C						
4061	Email from J. Shrader to G. Dosedel (3/1/18)	DEF010559	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4062	Email from K. Bristow to G. Dosedel (3/1/18)	DEF010560	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4063	Email from K. Bristow to G. Dosedel (3/7/18)	DEF010561	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4064	Email from J. Shrader to G. Dosedel (3/7/18)	DEF010562	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4065	Email from K. Bristow to G. Dosedel (3/12/18)	DEF010563	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4066	Email from K. Bristow to G. Dosedel (3/12/18)	DEF010564	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4067	Email from J. Shrader to G. Dosedel (3/12/18)	DEF010565	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4068	Email from J. Shrader to G. Dosedel (4/2/18)	DEF010566	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4069	Email from J. Shrader to G. Dosedel, et al. (4/23/18)	DEF010567 - DEF010568	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4070	Email from J. Shrader to G. Dosedel (4/23/18)	DEF010569 - DEF010570	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4071	Email from J. Shrader to G. Dosedel (4/23/18)	DEF010571	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4072	Email from G. Dosedel to J. Shrader (4/23/18)	DEF010572 - DEF010573	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4073	Email from J. Shrader to G. Dosedel, Re: TeamHealth (04/25/18)	DEF010574	48.025; 48.035; MIL; Court's Discovery Orders					
4074	Email from J. Shrader to G. Dosedel (4/25/18)	DEF010574	48.025; 48.035; MIL; Court's Discovery Orders					
4075	Email from G. Dosedel to J. Shrader (4/25/18)	DEF010575	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4076	Email from J. Shrader to G. Dosedel (4/30/18)	DEF010576	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4077	Email from J. Shrader to G. Dosedel (4/30/18)	DEF010577	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4078	Email from J. Shrader to G. Dosedel (5/7/18)	DEF010578	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4079	Email from G. Dosedel to K. Bristow (5/11/18)	DEF010579	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4080	Email from J. Shrader to G. Dosedel (5/14/18)	DEF010580	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4081	Email from G. Dosedel to K. Bristow (5/21/18)	DEF010581	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4082	Email from G. Dosedel to K. Bristow, et al. (6/4/18)	DEF010582	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4083	Email from K. Bristow to G. Dosedel, et al. (6/4/18)	DEF010583	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4084	Email from G. Dosedel to K. Bristow, et al. (6/5/18)	DEF010584	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					

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Exhibit	Exhibit Description	Bates Numbers	Objection	Stipulated	Offered	Date Offered	Admitted	Date Admitted
4085	Email from K. Bristow to G. Dosedel (6/11/18)	DEF010585	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4086	Email from J. Shrader to G. Dosedel (6/11/18)	DEF010586	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4087	Email from K. Bristow to G. Dosedel (6/11/18)	DEF010587	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4088	Email from G. Dosedel to K. Bristow (6/11/18)	DEF010588	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4089	Email from K. Bristow to G. Dosedel (6/18/18)	DEF010589	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4090	Email from JJ Shrader to G. Dosedel, et al., RE: UHC Proposal (08/27/18)	DEF010595 - DEF010596	48.025; 48.035; MIL; Court's Discovery Orders					
4091	Email from JJ Shrader to G. Dosedel, et al., Re: TeamHealth (10/26/18)	DEF010688 - DEF010689	48.025; 48.035; MIL; Court's Discovery Orders					
4092	Email from G. Dosedel to K. Bristow, et al., Re: UHC Proposal (12/20/18)	DEF010737 - DEF010738	48.025; 48.035; MIL; Court's Discovery Orders					
4093	Email from M. Snowden to D. Rosenthal, et al. (01/26/18)	DEF010760 - DEF010763	48.025; 48.035; MIL; Court's Discovery Orders					
4094	Email from K. Bristow to C. Parillo, et al., Re: Thank you and Follow-up (12/15/18)	DEF010774 - DEF010779	48.025; 48.035; MIL; Court's Discovery Orders					
4095	Email from K. Bristow to J. Haben (5/2/18)	DEF010878 - DEF010883	48.035					
4096	Email from K. Bristow to J. Haben, et al., RE: Feedback on Rate Proposal (05/09/18)	DEF010886	48.025; 48.035; MIL; Court's Discovery Orders					
4097	Email from K. Bristow to J. Haben, et al., Re: Rate Proposal (06/18/18)	DEF010896 - DEF010897	48.025; 48.035; MIL; Court's Discovery Orders					
4098	Email from G. Dosedel to K. Bristow, et al., Re: UHC Proposal (08/25/18)	DEF010908 - DEF010909	48.025; 48.035; MIL; Court's Discovery Orders					
4099	Email from K. Bristow to A. Nierman, et al., Re: Counter Proposal (10/15/19)	DEF010932	48.025; 48.035; MIL; Court's Discovery Orders					
4100	Email from A. Nierman to K. Bristow, et al., Re: Counter Proposal (10/31/19)	DEF010937 - DEF010938	48.025; 48.035; MIL; Court's Discovery Orders					
4101	Email from K. Bristow to A. Nierman, Re: Background Info (07/18/19)	DEF011001	48.035					
4102	United Healthcare TeamHealth Presentation	DEF011014	48.025; 48.035; MIL; Court's Discovery Orders					
4103	Email from A. Nierman to K. Bristow, Re: Background Info (07/22/19)	DEF011020 - DEF011025	48.025; 48.035; MIL; Court's Discovery Orders					
4104	Email from K. Bristow to A. Nierman re: NDA proposal (07/23/15)	DEF011029 - DEF011030	48.025; 48.035; MIL; Court's Discovery Orders					
4105	Email from A. Nierman to K. Bristow RE: Status Check in (08/08/19)	DEF011044 - DEF011047	48.025; 48.035; MIL; Court's Discovery Orders					
4106	Letter from L. Murphy to D. Schumacher (04/12/19) (Ex. 8 to Defendants' MIL No. 11)	DEF011059 - DEF011060	48.025; 48.035; MIL; Court's Discovery Orders					
4107	Calendar Invite from L. Murphy to D. Schumacher (06/21/19)	DEF011083	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4108	Calendar Invite from L. Murphy to D. Schumacher (07/12/19)	DEF011084	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4109	First Health Group Agreement - Execution Copy (07/01/06)	DEF011090 - DEF011139	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4110	Amendment to the Third Party Administrator Agreement (10/01/06)	DEF011140	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4111	Third Party Administrator Agreement (10/01/06)	DEF011141 - DEF011167	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4112	Amendment to the Third Party Administrator Agreement (10/01/07)	DEF011168 - DEF011171	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4113	Amendment to the Third Party Administrator Agreement (01/01/08)	DEF011172 - DEF011180	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4114	Amendment to the Third Party Administrator Agreement (02/01/10)	DEF011184 - DEF011188	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4115	Amendment to the Third Party Administrator Agreement (08/01/13)	DEF011189	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4116	The Eighth Amendment to the Third Party Administrator Agreement (11/01/14)	DEF011190 - DEF011191	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4117	Ninth Amendment to the Third Party Administrator Agreement (04/01/15)	DEF011192 - DEF011196	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4118	Eleventh Amendment to the Third Party Administrator Agreement (06/01/18)	DEF011197 - DEF011208	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4119	Tenth Amendment to the Third Party Administrator Agreement (10/01/18)	DEF011209 - DEF011210	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4120	OON Program PowerPoint	DEF011212 - DEF011237						
4121	OON Program PowerPoint	DEF011238 - DEF011273						
4122	Sierra Aggregated Market Data Report (12/31/19)	DEF011274						
4123	UNET Aggregated Market Data Report (12/31/20)	DEF011275						
4124	MGM Resorts Health and Welfare Plan Participating Provider Agreement (02/27/19)	DEF011280 - DEF011293	48.025; 48.035; MIL; Court's Discovery Orders					
4125	Amendment 1 to MGM Resorts Health and Welfare Plan Participating Provider Agreement (06/01/20)	DEF011294	48.025; 48.035; MIL; Court's Discovery Orders					
4126	Amendment to Individual / Group Provider Agreement between Fremont Emergency Services and Sierra Healthcare Options, (07/15/15)	DEF011295 - DEF011321	48.025; 48.035; MIL; Court's Discovery Orders					
4127	Health Plan of Nevada Consulting Provider Amendment (9/7/12)	DEF011322 - DEF011323	48.025; 48.035; MIL; Court's Discovery Orders					
4128	Health Plan of Nevada, Inc. Consulting Provider Agreement	DEF011324 - DEF011338	48.025; 48.035; MIL; Court's Discovery Orders					
4129	Medicaid/Nevada CCheck-Up Consulting Provider Agreement (05/01/11)	DEF011339 - DEF011356	48.025; 48.035; MIL; Court's Discovery Orders					

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Exhibit	Exhibit Description	Bates Numbers	Objection	Stipulated	Offered	Date Offered	Admitted	Date Admitted
4130	Sierra Health and Life Insurance Amendment to Individual/Group Provider Agreement (07/15/15)	DEF011357 - DEF011376	48.025; 48.035; MIL; Court's Discovery Orders					
4131	Health Plan of Nevada Consulting Provider Amendment (07/15/15)	DEF011377 - DEF011379	48.025; 48.035; MIL; Court's Discovery Orders					
4132	Sierra Healthcare Options Amendment to the Individual/Group Provider Agreement (07/15/15)	DEF011380 - DEF011382	48.025; 48.035; MIL; Court's Discovery Orders					
4133	Letter from TeamHealth to J Jefferson Re: Sierra Healthcare Options (03/01/19)	DEF011383 - DEF011384	48.025; 48.035; MIL; Court's Discovery Orders					
4134	Request to Renegotiate or Terminate Intention (9/10/18)	DEF011385 - DEF011393	48.025; 48.035; MIL; Court's Discovery Orders					
4135	Letter from Health Plan of Nevada to R. Harris Re Request to Renegotiate or Terminate Intention (09/10/18)	DEF011394 - DEF011396	48.025; 48.035; MIL; Court's Discovery Orders					
4136	Fremont-Sierra Termination Correspondence (03/13/19)	DEF011397 - DEF011399	48.025; 48.035; MIL; Court's Discovery Orders					
4137	Fremont-Sierra Termination Correspondence (07/14/18)	DEF011400 - DEF011401	48.025; 48.035; MIL; Court's Discovery Orders					
4138	Fremont-Sierra Termination Correspondence (08/03/18)	DEF011402 - DEF011410	48.025; 48.035; MIL; Court's Discovery Orders					
4139	Medical Group Contract	DEF011411 - DEF011436	48.025; 48.035; MIL; Court's Discovery Orders					
4140	Amendment to Medical Group Participation Agreement MGA Commercial Rate Increase (07/01/16)	DEF011437 - DEF011446	48.025; 48.035; MIL; Court's Discovery Orders					
4141	Email Message "Re: release Fremont ER claims!" (05/01/20)	DEF011447 - DEF011456	48.025; 48.035; MIL; Court's Discovery Orders					
4142	Email Message "Fremont Emergency Contract" (07/31/19)	DEF011457 - DEF011471	48.025; 48.035; MIL; Court's Discovery Orders					
4143	Email from T. Klockziem to B. Paniagua, et al., Re: Contract (05/06/19)	DEF011472 - DEF011476	48.025; 48.035; MIL; Court's Discovery Orders					
4144	Email from N. Maier to T. Klockziem, et al., re: LVSC Fremont ER (04/22/19)	DEF011477 - DEF011479	48.025; 48.035; MIL; Court's Discovery Orders					
4145	Confidential, redacted version of Email Message "RE LVSC Fremont ER*" (04/22/19)	DEF011477R - DEF011479R	48.025; 48.035; MIL; Court's Discovery Orders					
4146	Claims Matching Detail 2 (07/31/19)	DEF011480						
4147	Administrative Records for TeamHealth Plaintiffs' Claims	DEF011481 - DEF028026	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4148	Certificate of Coverage, Riders, Amendments, and Notices for Condo Analytics (11/1/16)	DEF016907 - DEF017076	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4149	Benefit Plan Templates for Fully-Insured Clients Submitted to Nevada Division of Insurance for Approval (12/31/17)	DEF028027 - DEF030189	48.025; MIL					
4150	Consulting Provider Agreement between Fremont Emergency Services and Health Plan of Nevada, Inc. (07/15/15)	DEF030190 - DEF030211	48.025; 48.035; MIL; Court's Discovery Orders					
4151	Sierra Health and Life Insurance Amendment to Individual/Group Provider Agreement (07/15/15)	DEF030212 - DEF030230	48.025; 48.035; MIL; Court's Discovery Orders					
4152	Sierra Healthcare Options, Inc., Amendment to Individual/Group Provider Agreement (07/15/15)	DEF030231 - DEF030249	48.025; 48.035; MIL; Court's Discovery Orders					
4153	Email Message and Attachments re: "Fremont Emergency Services" (08/06/15)	DEF030250 - DEF030252	48.025; 48.035; MIL; Court's Discovery Orders					
4154	Southern Nevada: Sierra Healthcare Options: Fremont Emergency Services (03/03/19)	DEF030253 - DEF030262	48.025; 48.035; MIL; Court's Discovery Orders					
4155	Customer Services Agreement Between Private Healthcare systems, Inc. and Fiserv Health Plan Administrators (12/31/16)	DEF030263 - DEF030293	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4156	First Amendment to the Customer Services Agreement between Fiserv Health Plan Administrators and Private Healthcare Systems, Inc. (07/01/07)	DEF030294 - DEF030299	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4157	Amendment between Fiserv Health Plan Administrators and Private Healthcare Systems, Inc.	DEF030300	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4158	Administrative Records for TeamHealth Plaintiffs' Claims	DEF030432 - DEF045750	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4159	Southwest Airlines Welfare Benefit Plan Summary Plan Description (1/1/17)	DEF035803 - DEF035968	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4160	Tesla, Inc. PPO Plus Plan Summary Plan Description (1/1/19)	DEF039381 - DEF039548						
4161	UnitedHealthcare Choice Plus Certificate of Coverage (1/1/17)	DEF040021 - DEF040186						
4162	Explanation of Benefits (02/09/19)	DEF042584 - DEF042587	52.015					
4163	Excel version of DEF010558* (06/17/20)	DEF045751						
4164	Excel version of DEF011274 (12/30/19)	DEF045752						
4165	UNET Aggregated Market Data Report	DEF045753						
4166	Sierra Market Data	DEF045754 - DEF045754	48.025; 48.035; MIL; Court's Discovery Orders					
4167	WITHDRAWN							
4168	UNET Market Data	DEF045755						
4169	Aggregated market data reports*	DEF045756 - DEF045763	Multiple does as one exhibits; 48.025; 48.035; MIL; Court's discovery orders; 52.015					
4170	Oxford and Cirrus Market Data Summary, Version 1	DEF045757	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4171	Sierra (Commercial Only) Market Data Summary	DEF045759	52.015					
4172	Student Resources Market Data Summary	DEF045761	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4173	UMR Market Data Summary, Version 1	DEF045763	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					

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Exhibit	Exhibit Description	Bates Numbers	Objection	Stipulated	Offered	Date Offered	Admitted	Date Admitted
4174	Market Data (Oxford, Cirrus), Version 1	DEF045764	48.025; 48.035; MIL					
4175	Student Resources Market Data	DEF045765	48.035					
4176	UMR Market Data, Version 1	DEF045766	48.035					
4177	Administrative Records for TeamHealth Plaintiffs' Claims	DEF045767 - DEF075425	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4178	Hard Rock Cafe Gold Medical Plan	DEF047348 - DEF047357	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4179	ER Group Comparison_SoNV_07-2019 (07/01/19)	DEF075426	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4180	ER Groups_Summary_Northern Southern Nevada (05/01/19)	DEF075427	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4181	Median PAR Rate Activity - ED Groups	DEF075428	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4182	Administrative Records for TeamHealth Plaintiffs' Claims	DEF075429 - DEF079845	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4183	Summary Plan Description - Tesla PPO Plus Plan (01/01/19)	DEF075759 - DEF075950	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4184	Member Explanation of Benefits - K. Sumbry (12/02/19)	DEF079715 - DEF079719						
4185	Disputed Claims Matched with United Defendants' Claims, Version 1	DEF079846	48.035					
4186	Email from J. Bradley to L. LaMaster, et al., Re: Data iSight Reports ASO- April 2018 (05/29/18)	DEF079847 - DEF079848						
4187	Confidential version of correspondence previously produced between United and MultiPlan, Inc.* (05/29/18)	DEF079847R - DEF079848R						
4188	UHC ASO - DIS Top Appeal Providers (04/01/18)	DEF079849	48.025; 48.035; MIL; Court's Discovery Orders					
4189	UHC ASO - DIS State Report (04/01/18)	DEF079850	48.025; 48.035; MIL; Court's Discovery Orders					
4190	UHC ASO - DIS Specialty Report 2018-04 (04/01/18)	DEF079851	48.025; 48.035; MIL; Court's Discovery Orders					
4191	UHC ASO - DIS Situs State Report 2018-04 (04/01/18)	DEF079852	48.025; 48.035; MIL; Court's Discovery Orders					
4192	UHC ASO - DIS Appeals by Month Summary (04/01/18)	DEF079853	48.025; 48.035; MIL; Court's Discovery Orders					
4193	Email from M. Butler to R. Paradise, et al., RE: Data iSight Reports ASO Feb 2018 (03/29/18)	DEF079854						
4194	Confidential version of correspondence previously produced between United and MultiPlan, Inc.* (03/29/18)	DEF079854R						
4195	UHC ASO - DIS Top Appeal Providers 2018-02 (02/01/18)	DEF079855	48.025; 48.035; MIL; Court's Discovery Orders					
4196	UHC ASO - DIS State Report 2018-02 (02/01/18)	DEF079856	51.065; 52.015					
4197	UHC ASO - DIS Specialty Report 2018-02 (02/01/18)	DEF079857	51.065; 52.015					
4198	UHC ASO - DIS Situs State Report 2018-02 (02/01/18)	DEF079858	51.065; 52.015					
4199	UHC ASO - DIS Appeals by Month Summary (02/01/18)	DEF079859	51.065; 52.015					
4200	Email from M. Butler to R. Paradise, et al., RE: Data iSight Reports ASO Jan 2018 (02/26/18)	DEF079860						
4201	Confidential version of correspondence previously produced between United and MultiPlan, Inc.* (02/26/18)	DEF079860R						
4202	UHC ASO - DIS Top Appeal Providers 2018-01 (01/01/18)	DEF079861	48.025; 48.035; MIL; Court's Discovery Orders					
4203	UHC ASO - DIS State Report (01/01/18)	DEF079862	51.065; 52.015					
4204	UHC ASO - DIS Specialty Report (01/01/18)	DEF079863	51.065; 52.015					
4205	UHC ASO - DIS Situs State Report (01/01/18)	DEF079864	51.065; 52.015					
4206	UHC ASO - DIS Appeals by Month Summary (01/01/18)	DEF079865	51.065; 52.015					
4207	Email from M. Butler to R. Paradise, et al., Re: Data iSight Reports ASO (07/17/18)	DEF079866						
4208	Confidential version of correspondence previously produced between United and MultiPlan, Inc.* (07/17/18)	DEF079866R						
4209	UHC ASO - DIS Top Appeal Providers (06/01/18)	DEF079867	48.025; 48.035; MIL; Court's Discovery Orders					
4210	UHC ASO - DIS State Report (06/01/18)	DEF079868	51.065; 52.015					
4211	WITHDRAWN							
4212	UHC ASO - DIS Situs State Report	DEF079870	51.065; 52.015					
4213	UHC ASO - DIS Appeals by Month Summary (06/01/18)	DEF079871	51.065; 52.015					
4214	Email from M. Burler to R.Paradise, et al., Re: Data iSight Reports ASO (04/30/18)	DEF079872						
4215	Confidential version of correspondence previously produced between United and MultiPlan, Inc.* (04/30/18)	DEF079872R						
4216	UHC ASO - DIS Appeals by Month Summary (03/01/18)	DEF079873	48.025; 48.035; MIL; Court's Discovery Orders					
4217	UHC ASO - DIS Situs State Report (03/01/18)	DEF079874	51.065; 52.015					
4218	UHC ASO - DIS Specialty Report (03/01/18)	DEF079875	51.065; 52.015					
4219	UHC ASO - DIS State Report (03/01/18)	DEF079876	51.065; 52.015					
4220	UHC ASO - DIS Top Appeal Providers (03/01/18)	DEF079877	51.065; 52.015					
4221	Email from M. Butler to R. Paradise, et al., Re: Second Email Data iSight Reports Fully Insured (05/29/18)	DEF079878						

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Exhibit	Exhibit Description	Bates Numbers	Objection	Stipulated	Offered	Date Offered	Admitted	Date Admitted
4222	UHC FI - DIS Top Appeal Providers (04/01/18)	DEF079879	48.025; 48.035; MIL; Court's Discovery Orders					
4223	UHC FI - DIS State Report (04/01/18)	DEF079880	48.025; 48.035; MIL; Court's Discovery Orders					
4224	Email from M. Butler to R. Paradise, et al., Re: Second Email Data iSight Reports Fully Insured - December 2017 (01/24/18)	DEF079881						
4225	Second Email Data iSight Reports Fully Insured - December 2017 (12/01/17)	DEF079882	51.065; 52.015					
4226	UHC FI - DIS Top Appeal Providers 2017-12 (12/01/17)	DEF079883	48.025; 48.035; MIL; Court's Discovery Orders					
4227	Email from M. Butler to R. Paradise, et al., Re: Second Email Data iSight Reports Fully Insured - February 2018 (03/29/18)	DEF079884						
4228	UHC FI - DIS Top Appeal Providers 2018-02 (02/01/18)	DEF079885	48.025; 48.035; MIL; Court's Discovery Orders					
4229	UHC FI - DIS State Report 2018-02 (02/01/18)	DEF079886	51.065; 52.015					
4230	Email from M. Butler to R. Paradise, et al., Re: Second Email Data iSight Reports Fully Insured - March 2018 (04/30/18)	DEF079887						
4231	UHC FI - DIS Top Appeal Providers 2018-03 (03/01/18)	DEF079888	48.025; 48.035; MIL; Court's Discovery Orders					
4232	UHC FI - DIS State Report 2018-03 (03/01/18)	DEF079889	51.065; 52.015					
4233	Email from M. Butler to R. Paradise, et al., Re: Second Email Data iSight Reports Fully Insured - May 2018 (06/19/18)	DEF079890						
4234	UHC FI - DIS Top Appeal Providers 2018-05 (05/01/18)	DEF079891	48.025; 48.035; MIL; Court's Discovery Orders					
4235	UHC FI - DIS State Report 2018-05	DEF079892	51.065; 52.015					
4236	Email from M. Butler to R. Paradise, et al., Re: Data iSight Reports Fully Insured - August 2017 (09/08/17)	DEF079893						
4237	Confidential version of correspondence previously produced between United and MultiPlan, Inc.* (03/01/18)	DEF079893R						
4238	UHC FI - DIS State Report 2017-08 (08/01/17)	DEF079894	48.025; 48.035; MIL; Court's Discovery Orders					
4239	UHC FI - DIS Situs State Report 2017-08 (08/01/17)	DEF079895	51.065; 52.015					
4240	UHC FI - DIS Specialty Report 2017-08 (08/01/17)	DEF079896	51.065; 52.015					
4241	UHC FI - DIS Top Appeal Providers 2017-08 (08/01/17)	DEF079897	48.025; 48.035; MIL; Court's Discovery Orders					
4242	UHC FI - DIS Appeals by Month Summary 2017-08 (08/01/17)	DEF079898	51.065; 52.015					
4243	Email from M. Butler to R. Paradise, et al., Re: Data iSight Reports ASO - August 2017 (09/08/17)	DEF079899						
4244	Confidential version of correspondence previously produced between United and MultiPlan, Inc.* (09/08/17)	DEF079899R						
4245	UHC ASO - DIS Appeals by Month Summary 2017-08 (08/01/17)	DEF079900	51.065; 52.015					
4246	UHC ASO - DIS State Report 2017-08 (08/01/17)	DEF079901	51.065; 52.015					
4247	UHC ASO - DIS Situs State Report 2017-08 (08/01/17)	DEF079902	51.065; 52.015					
4248	UHC ASO - DIS Specialty Report 2017-08 (08/01/17)	DEF079903	48.025; 48.035; MIL; Court's Discovery Orders					
4249	UHC ASO - DIS Top Appeal Providers 2017-08 (08/01/17)	DEF079904	48.025; 48.035; MIL; Court's Discovery Orders					
4250	Email from M. Butler to R. Paradise, et al., Re: Data iSight Reports Fully Insured - September 2017 (10/17/17)	DEF079905						
4251	Confidential version of correspondence previously produced between United and MultiPlan, Inc.* (10/17/17)	DEF079905R						
4252	UHC FI - DIS Appeals by Month Summary 2017-09 (09/01/17)	DEF079906	51.065; 52.015					
4253	UHC FI - DIS Situs State Report 2017-09 (09/01/17)	DEF079907	48.025; 48.035; MIL; Court's Discovery Orders					
4254	UHC FI - DIS Specialty Report 2017-09 (09/01/17)	DEF079908	48.025; 48.035; MIL; Court's Discovery Orders					
4255	UHC FI - DIS State Report 2017-09 (09/01/17)	DEF079909	48.025; 48.035; MIL; Court's Discovery Orders					
4256	UHC FI - DIS Top Appeal Providers 2017-09 (09/01/17)	DEF079910	48.025; 48.035; MIL; Court's Discovery Orders					
4257	Email from E. Johnson to M. Edwards, et al., Re: BiMonthly Governance Meeting - Provider Review Document (06/13/18), with attachment	DEF079911 - DEF079913						
4258	Email from E. Johnson to R. Paradise, et al., RE: Outsource Vendor - Mailroom Activities (03/12/18)	DEF079957						
4259	Email from E. Johnson to J. Kienzle, Re: Fully Insured Data iSight ER Claim Management (09/14/18)	DEF080044 - DEF080052						
4260	MultiPlan Data iSight Professional Methodology (01/01/19)	DEF080053 - DEF080054	52.015					
4261	Email from R. Lopez to E. Johnson Re: T Remark Code Negotiations Approval (03/06/17)	DEF080114 - DEF080118						
4262	Reimbursement schedule related to Universal Health Networks agreement*	DEF080137	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					

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Exhibit	Exhibit Description	Bates Numbers	Objection	Stipulated	Offered	Date Offered	Admitted	Date Admitted
4263	Administrative Records for TeamHealth Plaintiffs' Claims	DEF080138 - DEF090984	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4264	Roseman University 2016-2017 Student Injury and Sickness Insurance Plan (2016-2017)	DEF083637 - DEF083682	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4265	Penn State University Policy (2018-2019)	DEF085140 - DEF085221						
4266	Email from E. Johnson to S. Peterson, et al., Re: ASO Dis (10/26/17)	DEF090130						
4267	Email from M. Butler to R. Paradise, et al., Re: Second Email Data iSight Reports Fully Insured (12/18/17)	DEF090985						
4268	UHC FI - DIS State Report (11/01/17)	DEF090986	48.025; 48.035; MIL; Court's Discovery Orders					
4269	UHC FI - DIS Top Appeal Providers (11/01/17)	DEF090987	48.025; 48.035; MIL; Court's Discovery Orders					
4270	Email from B. Matthew to R. Paradise, et al., Re: Data iSight Reports ASO - Nov. 2017 (12/18/17)	DEF090988						
4271	UHC ASO - DIS State Report (11/01/17)	DEF090989	48.025; 48.035; MIL; Court's Discovery Orders					
4272	UHC ASO - DIS Top Appeal Providers (11/01/17)	DEF090990	48.025; 48.035; MIL; Court's Discovery Orders					
4273	UHC ASO - DIS Appeals by Month Summary 2017 (11/01/17)	DEF090991	51.065; 52.015					
4274	UHC ASO - DIS Situs State Report (11/01/17)	DEF090992	51.065; 52.015					
4275	UHC ASO - DIS Specialty Report (11/01/17)	DEF090993	51.065; 52.015					
4276	Email from M. Butler to R. Paradise, et al., Re: Data iSight Report ASO - December 2017 (01/24/18)	DEF090994						
4277	UHC ASO - DIS Situs State Report (12/01/17)	DEF090995	48.025; 48.035; MIL; Court's Discovery Orders					
4278	UHC ASO - DIS Top Appeal Providers (12/01/17)	DEF090996	48.025; 48.035; MIL; Court's Discovery Orders					
4279	UHC ASO - DIS State Report (12/01/17)	DEF090997	48.025; 48.035; MIL; Court's Discovery Orders					
4280	UHC ASO - DIS Specialty Report (12/01/17)	DEF090998	51.065; 52.015					
4281	UHC ASO - DIS Appeals by Month Summary (12/01/17)	DEF090999	51.065; 52.015					
4282	Email from M. Butler to R. Paradise, et al., Re: Data iSight Report ASO - July 2018 (08/17/18)	DEF091000						
4283	UHC ASO - DIS Appeals by Month Summary (07/01/18)	DEF091001	51.065; 52.015					
4284	UHC ASO - DIS Situs State Report 2018-07 (07/01/18)	DEF091002	48.025; 48.035; MIL; Court's Discovery Orders					
4285	UHC ASO - DIS Specialty Report (07/01/18)	DEF091003	51.065; 52.015					
4286	UHC ASO - DIS State Report (07/01/18)	DEF091004	48.025; 48.035; MIL; Court's Discovery Orders					
4287	UHC ASO - DIS Top Appeal Providers (07/01/18)	DEF091005	48.025; 48.035; MIL; Court's Discovery Orders					
4288	Email from R. Butler to R. Paradise, et al, Re: Data iSight Reports ASO (06/19/18)	DEF091006						
4289	UHC ASO - DIS Top Appeal Providers (05/01/18)	DEF091007	48.025; 48.035; MIL; Court's Discovery Orders					
4290	UHC ASO - DIS State Report (05/01/18)	DEF091008	48.025; 48.035; MIL; Court's Discovery Orders					
4291	UHC ASO - DIS Specialty Report (05/01/18)	DEF091009	48.025; 48.035; MIL; Court's Discovery Orders					
4292	UHC ASO - DIS Situs State Report (05/01/18)	DEF091010	48.025; 48.035; MIL; Court's Discovery Orders					
4293	UHC ASO - DIS Appeals by Month Summary (05/01/18)	DEF091011	51.065; 52.015					
4294	Email from M. Butler to R. Paradise, et al., Re: Data iSight Reports ASO October 2017 (11/27/17)	DEF091012						
4295	UHC ASO - DIS Appeals by Month Summary (10/01/17)	DEF091013	51.065; 52.015					
4296	UHC ASO - DIS Situs State Report (10/01/17)	DEF091014	48.025; 48.035; MIL; Court's Discovery Orders					
4297	UHC ASO - DIS Situs State Report (10/01/17)	DEF091015	48.025; 48.035; MIL; Court's Discovery Orders					
4298	UHC ASO - DIS State Report (10/01/17)	DEF091016	48.025; 48.035; MIL; Court's Discovery Orders					
4299	UHC ASO - DIS Top Appeal Providers (10/01/17)	DEF091017	48.025; 48.035; MIL; Court's Discovery Orders					
4300	Email from M. Butler to R. Paradise, et al., Re: Second Email Data iSight Reports Fully Insured (02/26/18)	DEF091018						
4301	UHC FI - DIS Top Appeal Providers (01/01/18)	DEF091019	48.025; 48.035; MIL; Court's Discovery Orders					
4302	UHC FI - DIS State Report (01/01/18)	DEF091020	48.025; 48.035; MIL; Court's Discovery Orders					
4303	Email from M. Butler to R. Paradise, et al., Re: Second Email Data iSight Reports Fully Insured (08/17/18)	DEF091021						
4304	UHC FI - DIS Top Appeal Providers (07/01/18)	DEF091022	48.025; 48.035; MIL; Court's Discovery Orders					
4305	UHC FI - DIS State Report (07/01/18)	DEF091023	48.025; 48.035; MIL; Court's Discovery Orders					
4306	Email from M. Butler to R. Paradise, et al., Re: Second Email Data iSight Reports Fully Insured (07/17/18)	DEF091024						
4307	UHC FI - DIS Top Appeal Providers (06/01/18)	DEF091025	48.025; 48.035; MIL; Court's Discovery Orders					

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Exhibit	Exhibit Description	Bates Numbers	Objection	Stipulated	Offered	Date Offered	Admitted	Date Admitted
4308	UHC FI - DIS State Report (06/01/18)	DEF091026	48.025; 48.035; MIL; Court's Discovery Orders					
4309	Email from M. Butler to R. Paradise, et al., Re: Data iSight Reports ASO (10/17/17)	DEF091027						
4310	UHC ASO - DIS Appeals by Month Summary (09/01/17)	DEF091028	51.065; 52.015					
4311	UHC ASO - DIS Situs State Report (09/01/17)	DEF091029	48.025; 48.035; MIL; Court's Discovery Orders					
4312	UHC ASO - DIS Specialty Report (09/01/17)	DEF091030	51.065; 52.015					
4313	UHC ASO - DIS State Report 2017-09 (09/01/17)	DEF091031	48.025; 48.035; MIL; Court's Discovery Orders					
4314	UHC ASO - DIS Top Appeal Providers (09/01/17)	DEF091032	48.025; 48.035; MIL; Court's Discovery Orders					
4315	Email from M. Butler to R. Paradise, et al., Re: Second Email Data iSight Reports ASO - August 2018 (09/19/18)	DEF091033						
4316	UHC ASO - DIS State Report (08/01/18)	DEF091034	48.025; 48.035; MIL; Court's Discovery Orders					
4317	UHC ASO - DIS Top Appeal Providers (08/01/18)	DEF091035	48.025; 48.035; MIL; Court's Discovery Orders					
4318	Email from M. Butler to R. Paradise, et al., Re: Second Email Data iSight Reports Fully Insured - August 2018 (09/19/18)	DEF091036						
4319	UHC FI - DIS State Report (08/01/18)	DEF091037	48.025; 48.035; MIL; Court's Discovery Orders					
4320	UHC FI - DIS Top Appeal Providers (08/01/18)	DEF091038	48.025; 48.035; MIL; Court's Discovery Orders					
4321	Email from M. Butler to R. Paradise, et al., Re: Second Email Data iSight Reports ASO - September 2018 (10/23/18)	DEF091039						
4322	UHC ASO - DIS State Report 2018-09 (09/01/18)	DEF091040	48.025; 48.035; MIL; Court's Discovery Orders					
4323	UHC ASO - DIS Top Appeal Providers 2018-09 (09/01/18)	DEF091041	48.025; 48.035; MIL; Court's Discovery Orders					
4324	Email from M. Butler to R. Paradise, et al., Re: Second Email Data iSight Reports Fully Insured - September 2018 (10/23/18)	DEF091042						
4325	UHC FI - DIS State Report 2018-09 (09/01/18)	DEF091043	48.025; 48.035; MIL; Court's Discovery Orders					
4326	UHC FI - DIS Top Appeal Providers 2018-09 (09/01/18)	DEF091044	48.025; 48.035; MIL; Court's Discovery Orders					
4327	Email from M. Butler to R. Paradise, et al., Re: Second Email Data iSight Reports ASO - October 2018 (11/19/18)	DEF091045						
4328	UHC ASO - DIS Specialty Report 2018-10 (10/01/18)	DEF091046	51.065; 52.015					
4329	UHC ASO - DIS State Report 2018-10 (10/01/18)	DEF091047	48.025; 48.035; MIL; Court's Discovery Orders					
4330	UHC ASO - DIS Top Appeal Providers 2018-10 (10/01/18)	DEF091048	48.025; 48.035; MIL; Court's Discovery Orders					
4331	Email from M. Butler to R. Paradise, et al., Re: Second Email Data iSight Reports Fully Insured - October 2018 (11/19/18)	DEF091049						
4332	UHC FI - DIS State Report 2018-10 (01/10/18)	DEF091050	48.025; 48.035; MIL; Court's Discovery Orders					
4333	UHC FI - DIS Top Appeal Providers 2018-10 (01/10/18)	DEF091051	48.025; 48.035; MIL; Court's Discovery Orders					
4334	Email from M. Butler to R. Paradise, et al., Re: Second Email Data iSight Reports ASO - November 2018 (01/02/19)	DEF091052						
4335	UHC ASO - DIS Specialty Report 2018-11 (11/01/18)	DEF091053	51.065; 52.015					
4336	UHC ASO - DIS State Report 2018-11 (11/01/18)	DEF091054	48.025; 48.035; MIL; Court's Discovery Orders					
4337	UHC ASO - DIS Top Appeal Providers 2018-11 (11/01/18)	DEF091055	48.025; 48.035; MIL; Court's Discovery Orders					
4338	Email from M. Butler to R. Paradise, et al., RE: Second Email Data iSight Reports Fully Insured - November 2018 (01/02/19)	DEF091056						
4339	UHC FI - DIS Specialty Report 2018-11 (11/01/18)	DEF091057	51.065; 52.015					
4340	UHC FI - DIS State Report 2018-11 (11/01/18)	DEF091058	48.025; 48.035; MIL; Court's Discovery Orders					
4341	UHC FI - DIS Top Appeal Providers 2018-11 (11/01/18)	DEF091059	48.025; 48.035; MIL; Court's Discovery Orders					
4342	Email from M. Butler to R. Paradise, et al., Re: First Email Data iSight Reports ASO - December 2018 (01/30/19)	DEF091060						
4343	UHC ASO - DIS State Report 2018-12 (12/01/18)	DEF091061	48.025; 48.035; MIL; Court's Discovery Orders					
4344	UHC ASO - DIS Top Appeal Providers 2018-12 (12/01/18)	DEF091062	48.025; 48.035; MIL; Court's Discovery Orders					
4345	Email from M. Butler to R. Paradise, et al., Re: Second Email Data iSight Reports Fully Insured - December 2018 (01/30/19)	DEF091063						
4346	UHC FI - DIS State Report 2018-12 (12/01/18)	DEF091064	48.025; 48.035; MIL; Court's Discovery Orders					

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Exhibit	Exhibit Description	Bates Numbers	Objection	Stipulated	Offered	Date Offered	Admitted	Date Admitted
4347	UHC FI - DIS Top Appeal Providers 2018-12 (12/01/18)	DEF091065	48.025; 48.035; MIL; Court's Discovery Orders					
4348	Email from M. Edwards to L. Lamaster, et al., Re: UHC Data iSight High Volume Appeal Reports (06/14/19)	DEF091066	48.025; 51.065; 52.015					
4349	UHC ASO - DIS TIN List Summary 2019	DEF091067	48.025; 48.035; MIL; Court's Discovery Orders					
4350	UHC FI - DIS TIN List Summary 2019	DEF091068	48.025; 48.035; MIL; Court's Discovery Orders					
4351	UHC ASO - DIS Ambulance TIN Summary 2019-04b Regulated	DEF091069	48.025; 48.035; MIL; Court's Discovery Orders					
4352	Email from J. Kienzle to S. Peterson, et al., Re: Data iSight For Fully Insured Claims Follow Up (03/08/16)	DEF091070						
4353	Neg and Ext Providers Fully Insured last 6 months of 2015 (12/31/15)	DEF091071	48.025; 48.035; MIL; Court's Discovery Orders					
4354	Email from E. Johnson to R. Paradise, et al., Data iSight Reports - August 2016 (09/22/16)	DEF091072 - DEF091073						
4355	UHC DIS Specialty Report 2016-08 (08/01/16)	DEF091074	48.025; 48.035; MIL; Court's Discovery Orders					
4356	UHC DIS State Report 2016-08 (08/01/16)	DEF091075	48.025; 48.035; MIL; Court's Discovery Orders					
4357	UHC DIS Top Appeal Providers 2016-08 (08/01/16)	DEF091076	48.025; 48.035; MIL; Court's Discovery Orders					
4358	UHC DIS Appeals by Month Summary 2016-08 (08/01/16)	DEF091077	51.065; 52.015					
4359	Email from E. Johnson to R. Paradise, et al., Re: Data iSight Reports - September 2016 (10/31/16)	DEF091078 - DEF091079						
4360	UHC DIS Situs State Report 2016-09 (09/01/16)	DEF091080	48.025; 48.035; MIL; Court's Discovery Orders					
4361	UHC DIS State Report 2016-09 (09/01/16)	DEF091081	48.025; 48.035; MIL; Court's Discovery Orders					
4362	UHC DIS Specialty Report 2016-09 (09/01/16)	DEF091082	48.025; 48.035; MIL; Court's Discovery Orders					
4363	UHC DIS Top Appeal Providers 2016-09 (09/01/16)	DEF091083	48.025; 48.035; MIL; Court's Discovery Orders					
4364	UHC DIS Appeals by Month Summary 2016-09 (09/01/16)	DEF091084	51.065; 52.015					
4365	Email from E. Johnson to R. Paradise, et al., Re: Data iSight Reports - October 2016 (11/28/16)	DEF091085 - DEF091086						
4366	UHC DIS Appeals by Month Summary 2016-10 (10/01/16)	DEF091087	51.065; 52.015					
4367	UHC DIS Top Appeal Providers 2016-10 (10/01/16)	DEF091088	48.025; 48.035; MIL; Court's Discovery Orders					
4368	UHC DIS Specialty Report 2016-10 (10/01/16)	DEF091089	48.025; 48.035; MIL; Court's Discovery Orders					
4369	UHC DIS Situs State Report 2016-10 (10/01/16)	DEF091090	48.025; 48.035; MIL; Court's Discovery Orders					
4370	UHC DIS State Report 2016-10 (10/01/16)	DEF091091	48.025; 48.035; MIL; Court's Discovery Orders					
4371	Email from E. Johnson to R. Paradise, et al., Re: Data iSight Reports - November 2016 (12/21/16)	DEF091092 - DEF091093						
4372	UHC DIS State Report 2016-11 (11/01/16)	DEF091094	48.025; 48.035; MIL; Court's Discovery Orders					
4373	UHC DIS Appeals by Month Summary 2016-11 (11/01/16)	DEF091095	51.065; 52.015					
4374	UHC DIS Top Appeal Providers 2016-11 (11/01/16)	DEF091096	48.025; 48.035; MIL; Court's Discovery Orders					
4375	UHC DIS Specialty Report 2016-11 (11/01/16)	DEF091097	48.025; 48.035; MIL; Court's Discovery Orders					
4376	UHC DIS Situs State Report 2016-11 (11/01/16)	DEF091098	48.025; 48.035; MIL; Court's Discovery Orders					
4377	Email from E. Johnson to R. Paradise, et al., Re: Data iSight Reports - December 2016 (01/18/17)	DEF091099 - DEF091100						
4378	UHC DIS State Report 2016-12 (12/01/16)	DEF091101	48.025; 48.035; MIL; Court's Discovery Orders					
4379	UHC DIS Situs State Report 2016-12 (12/01/16)	DEF091102	48.025; 48.035; MIL; Court's Discovery Orders					
4380	UHC DIS Top Appeal Providers 2016-12 (12/01/16)	DEF091103	48.025; 48.035; MIL; Court's Discovery Orders					
4381	UHC DIS Appeals by Month Summary 2016-12 (12/01/16)	DEF091104	51.065; 52.015					
4382	UHC DIS Specialty Report 2016-12 (12/01/16)	DEF091105	48.025; 48.035; MIL; Court's Discovery Orders					
4383	Email from E. Johnson to R. Paradise, et al., Re: Data iSight Reports Fully Insured - January 2017 (02/07/17)	DEF091106 - DEF091107						
4384	UHC Fully Insured DIS Appeals by Month Summary 2017-01 (01/01/17)	DEF091108	51.065; 52.015					
4385	UHC Fully Insured DIS Situs State Report 2017-01 (01/01/17)	DEF091109	48.025; 48.035; MIL; Court's Discovery Orders					
4386	UHC Fully Insured DIS Specialty Report 2017-01 (01/01/17)	DEF091110	48.025; 48.035; MIL; Court's Discovery Orders					
4387	UHC Fully Insured DIS State Report 2017-01 (01/01/17)	DEF091111	48.025; 48.035; MIL; Court's Discovery Orders					
4388	UHC Fully Insured DIS Top Appeal Providers 2017-01 (01/01/17)	DEF091112	48.025; 48.035; MIL; Court's Discovery Orders					

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Exhibit	Exhibit Description	Bates Numbers	Objection	Stipulated	Offered	Date Offered	Admitted	Date Admitted
4389	Email from E. Johnson to R. Paradise, et al., Re: Data iSight Reports Fully Insured - February 2017 (03/23/17)	DEF091113						
4390	UHC FI - DIS Appeals by Month Summary 2017-02 (02/01/17)	DEF091114	51.065; 52.015					
4391	UHC FI - DIS Situs State Report 2017-02 (02/01/17)	DEF091115	48.025; 48.035; MIL; Court's Discovery Orders					
4392	UHC FI - DIS Specialty Report 2017-02 (02/01/17)	DEF091116	48.025; 48.035; MIL; Court's Discovery Orders					
4393	UHC FI - DIS State Report 2017-02 (02/01/17)	DEF091117	48.025; 48.035; MIL; Court's Discovery Orders					
4394	UHC FI - DIS Top Appeal Providers 2017-02 (02/01/17)	DEF091118	48.025; 48.035; MIL; Court's Discovery Orders					
4395	Email from E. Johnson to R. Paradise, et al, Re: Data iSight Reports ASO - February 2017 (03/23/17)	DEF091119 - DEF091120						
4396	UHC ASO - DIS Appeals by Month Summary 2017-02 (02/01/17)	DEF091121	51.065; 52.015					
4397	UHC ASO - DIS Situs State Report 2017-02 (02/01/17)	DEF091122	48.025; 48.035; MIL; Court's Discovery Orders					
4398	UHC ASO - DIS Specialty Report 2017-02 (02/01/17)	DEF091123	48.025; 48.035; MIL; Court's Discovery Orders					
4399	UHC ASO - DIS State Report 2017-02 (02/01/17)	DEF091124	48.025; 48.035; MIL; Court's Discovery Orders					
4400	UHC ASO - DIS Top Appeal Providers 2017-02 (02/01/17)	DEF091125	48.025; 48.035; MIL; Court's Discovery Orders					
4401	Email from M. Butler to R. Paradise, et al., Re: Data iSight Reports Fully Insured - March 2017 (04/17/17)	DEF091126						
4402	UHC FI - DIS Appeals by Month Summary 2017-03 (03/01/17)	DEF091127	51.065; 52.015					
4403	WITHDRAWN							
4404	Email from E. Johnson to J. Kienzle, et al., Re: Fully Insured DiS (09/14/18)	DEF091241 - DEF091244						
4405	Email from E. Johnson to M. Rickmyer, et al., RE: Notes 10/18 Final Discussion on OCM EBB Letters of Approval (10/20/16)	DEF091467 - DEF091470						
4406	Data iSight Benefit Plan Language and EOB Requirements (08/01/16)	DEF091471 - DEF091472						
4407	Data iSight Product and Methodology Inpatient Module (06/01/16)	DEF091473 - DEF091480	48.025; 52.015					
4408	Data iSight Product and Methodology Outpatient Module (06/01/16)	DEF091481 - DEF091487	48.025; 52.015					
4409	Data iSight Product and Methodology Physician Module (06/01/16)	DEF091488 - DEF091493						
4410	Email from M. Rickmyer to E. Johnson, et al., Re Notes 10/18 final discussion on OCN EBB (10/20/16)	DEF091494 - DEF091496						
4411	Email from M. Rickmyer to E. Johnson, et al., Re: Notes 10/18 Final Discussion on OCM EBB Letters and Approval (10/18/16)	DEF091497						
4412	United Healthcare Letter Template	DEF091498						
4413	United Healthcare Letter Template	DEF091499						
4414	Email from J. Bradley to S. Dominy, et al., Re: Initiate Discussion on Operational Processes Appeals/Corrected Claims etc. (10/27/16)	DEF091507 - DEF091514						
4415	Redacted UnitedHealthcare Patient Advocacy Letter (10/12/15)	DEF091518	52.015; 48.025					
4416	Redacted Data iSight Letter (10/15/15)	DEF091519	52.015; 48.025					
4417	Administrative Records for TeamHealth Plaintiffs' Claims	DEF091641 - DEF097741	48.035; 48.025; 52.015; MIL; Court's Discovery Orders					
4418	Email from G. Dosedel, D. Rosenthal, et al., Re: TeamHealth Update (10/8/18)	DEF097902 - DEF097904	48.035; 48.025; MIL; Court's Discovery Orders					
4419	Email from C. Parillo to K. Bristow, et al. Re: Thank You & Follow-Up (02/15/18)	DEF097923 - DEF097927	48.035; 48.025; MIL; Court's Discovery Orders					
4420	Email from J. Haben to C. Anderson, et al., Re: OCM Multiplan Benchmark Overview with attachment (04/20/17)	DEF097928						
4421	Overview of Benchmark Pricing Presentation (04/18/17)	DEF097929						
4422	Email from C. Parillo to D. Rosenthal, et al, Re: UPDATED: TEAMHealth Executive Summary/Profile (12/19/17)	DEF097943 - DEF097955	48.035; 48.025; MIL; Court's Discovery Orders					
4423	Email from M. Snowden to D. Rosenthal (10/19/17)	DEF098132 - DEF098133	48.035; 48.025; MIL; Court's Discovery Orders					
4424	Email from D. Rosenthal to M. Sonowden Re: TeamHealth UHN Meeting Next Week (12/15/17)	DEF098352 - DEF098353						
4425	Email from M. Snowden to D. Rosenthal (12/15/17)	DEF098354 -						
4426	Email from A. Flanagan to R. Anderson, et al., Re For Review CIAG Presentations for January 12th with attachment (01/04/17)	DEF098406 - DEF098432						
4427	Customer Impact Advisory Group Presentation (01/01/16)	DEF098418 - DEF098426						
4428	Experience Scorecard	DEF098431 - DEF098432						
4429	Email from D. Rosenthal to G. Adams, et al., Re UHG Reconnection and Strategic Discussion (10/01/17)	DEF099954 - DEF099956						
4430	Email from E. Murphy to D. Rosenthal, Re: Team Health / UHC escalation assistance needed (05/09/18)	DEF100000 - DEF100001	48.035					
4431	2019 Business Plan	DEF100005 - DEF100042						

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Exhibit	Exhibit Description	Bates Numbers	Objection	Stipulated	Offered	Date Offered	Admitted	Date Admitted
4432	Email from S. Peterson to E. Soberg, et al., Re MBR Question (06/11/18)	DEF100398 - DEF100412						
4433	UHN Employer & Individual: Market Competitiveness (7/17/19)	DEF100486 - DEF100507						
4434	Email from D. Rosenthal to D. Rosenthal, et al, RE: Binder (11/13/19)	DEF100525						
4435	WITHDRAWN							
4436	ASO SSP Benchmark Pricing	DEF101714 - DEF101724						
4437	Email from C. Renee to J. Cosgriff, et al., Re: E&I/UHC Business Plan Review / Materials Attached (07/31/19)	DEF102405 - DEF102438						
4438	Employer and Individual 2020 Business Plan (01/01/20)	DEF102412 - DEF102438						
4439	Region 5 Review (04/23/18)	DEF103730 - DEF103752						
4440	UnitedHealthcare Executive Council with ASO SSP Benchmark Pricing (05/08/17)	DEF103755 - DEF103769						
4441	ASO SSO Benchmark Pricing Presentation (05/08/17)	DEF103756 - DEF103769						
4442	Out-of-Network Cost Management Programs	DEF104009 - DEF104048						
4443	OOO Program Overview (11/29/16)	DEF107132 - DEF107140						
4444	TeamHealth Letter	DEF107885 - DEF107886	48.035; 48.105					
4445	Email from G. Dosedel to D. Rosenthal (11/6/18)	DEF108985 - DEF108986	48.035; 48.105					
4446	Email from G. Dosedel to D. Rosenthal, et al., Re: TeamHealth (05/16/18)	DEF108999 - DEF109003	48.035; 48.025; MIL; Court's Discovery Orders					
4447	Email from K. Miller to D. Kueter, et al., Re: UCRT/BIC Update (07/20/19)	DEF109387 - DEF109388	48.035					
4448	COSMOS Market Data Summary	DEF109389	52.015; 48.025; 48.035; MIL					
4449	COSMOS Market Data	DEF109390	52.015; 48.025; 48.035; MIL					
4450	NICE (Commercial Only) Market Data Summary	DEF109391	52.015; 48.025; 48.035; MIL					
4451	NICE (Commercial and Government) Market Data	DEF109392	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4452	Oxford Cirrus Supplement and Replacement Aggregated Summary	DEF109393	52.015; 48.025; 48.035; MIL					
4453	Market Data (Oxford, Cirrus), Version 2	DEF109394	52.015; 48.025; 48.035; MIL					
4454	Sierra (Commercial Only) Market Data Summary, 2020	DEF109395	52.015; 48.025; 48.035; MIL					
4455	Market Data (Sierra - Commercial and Government)	DEF109396	52.015; 48.025; 48.035; MIL; Court's Discovery Orders					
4456	UMR Market Data Summary, Version 2	DEF109397 -	52.015; 48.025; 48.035; MIL					
4457	UMR Market Data, Version 2	DEF109398	52.015; 48.025; 48.035; MIL					
4458	Administrative Records for TeamHealth Plaintiffs' Claims	DEF109399 - DEF245018	48.035; 48.025; 52.015; MIL; Court's Discovery Orders					
4459	UHC EOB - C. Dunbar (02/08/19)	DEF223331 - DEF223334	52.015					
4460	Online Routing System History	DEF234503 DEF234700 DEF234279 - DEF234504 DEF234701 DEF234280	48.025; 52.015					
4461	UHC Provider Remittance Advice - D. Beghtel (06/14/19)	DEF239273						
4462	WITHDRAWN							
4463	UnitedHealth Presentation, Out of Network: Change the Narrative. Change Performance.	DEF245162 - DEF245191						
4464	UnitedHealth Presentation, Shared Savings: Out of Network Deep Dive (9/20/18)	DEF245232 - DEF245274						
4465	WITHDRAWN							
4466	Outlier Cost Management (SSPe) High-Level Overview	DEF245510						
4467	UnitedHealth Presentation, Outlier Cost Management (SSPe) High-Level Overview (9/16/18)	DEF245534						
4468	Email from G. Dosedel to V. Zuccarello, et al., Re: Redacted (12/14/18)	DEF247734	48.025; 48.035; MIL; Court's Discovery Orders					
4469	Email from V. Zuccarello to G. Dosedel, et al., RE: Teamhealth framework exhibit (12/21/18)	DEF247740	52.015; 48.025; 48.035					
4470	TeamHealth Claims Analysis	DEF247741	48.025; 48.035; MIL; Court's Discovery Orders					
4471	Email from R. Paradise to J. Haben, Re: EHCv Meeting (02/21/19)	DEF248535 - DEF248536						
4472	Email from D. White to J. Haben, et al., RE: United Team Health Summary January 2019 (03/29/19)	DEF248900 - DEF248903	48.025; 48.035; MIL; Court's Discovery Orders					
4473	Email from J. Haben to V. Zuccarello, et al., RE: URGENT -Please Review and Respond by 3:45 ct (03/29/19)	DEF248911 - DEF248912						
4474	Email from K. Miller to J. Haben, et al., Re: EquityHealth/TeamHealth (03/26/19)	DEF248916 - DEF248917	48.035; 48.105					
4475	Email from J. Kienzie to J. Bradley, et al. (6/13/19), with attachment	DEF250784 DEF250786 - DEF250785 DEF250786	48.035					
4476	Email from J. Haben to K. Miller, et al., RE: TH (06/13/19)	DEF250791 - DEF250793						
4477	TeamHealth Claims Analysis	DEF250794	48.025; 48.035; MIL; Court's Discovery Orders					
4478	UNET Outlier Cost Management (SSPe) High-Level Overview	DEF251669						
4479	WITHDRAWN							
4480	WITHDRAWN							
4481	MultiPlan Data iSight Professional Methodology (07/01/18)	DEF254321 - DEF254322						

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Exhibit	Exhibit Description	Bates Numbers	Objection	Stipulated	Offered	Date Offered	Admitted	Date Admitted
4482	Email from L. LaMaster to J. Haben, et al., Re: PAD Letter to Member from Client (07/23/19)	DEF254331 - DEF254353						
4483	MultiPlan Presentation, Data liSight: A Rational, Transparent Way to Value Medical Bills	DEF254334						
4484	Email from V. Zuccarello to J. Haben, et al., Re: TeamHealth Data - Privileged (03/02/18)	DEF257478 - DEF257484	48.025; 48.035; MIL; Court's Discovery Orders					
4485	Email from G. Dosedel to V. Zuccarello, Re: TeamHealth & UHC Touch Base (03/07/18)	DEF257502 - DEF257505	48.025; 48.035; MIL; Court's Discovery Orders					
4486	Email from G. Dosedel to J. Haben Re: TeamHealth Discussion (03/12/18)	DEF257511 - DEF257515	48.025; 48.035; MIL; Court's Discovery Orders					
4487	WITHDRAWN							
4488	Shared Savings Program Enhanced for ASO Deployment Update (8/15/17)	DEF257632						
4489	Email from J. Hlcks to D. Moquist, et al., RE: ER Contracting Strategy (04/02/18)	DEF257643 - DEF257644						
4490	Email Attachment- Spreadsheet (04/02/18)	DEF257652	48.025; 48.035; MIL; Court's Discovery Orders					
4491	Email from G. Dosedel to B. Cortez, et al., Re: Texas Medicine Resources (2018 BIC) and TeamHealth Negotiation (04/04/18)	DEF257665 - DEF257669	48.025; 48.035; MIL; Court's Discovery Orders					
4492	Email from G. Dosedel to J. Haben Re: Texas Medicine Resources (2018 BIC) and TeamHealth Negotiation (05/04/18)	DEF258349 - DEF258393	48.025; 48.035; MIL; Court's Discovery Orders					
4493	Email from G. Dosedel to J. Haben, et al., Re: Feedback on Proposal (05/09/18)	DEF258405 - DEF258406	48.025; 48.035; MIL; Court's Discovery Orders					
4494	Email from G. Dosedel to L. Stone, Re: Rate Proposal (06/18/18)	DEF258892 - DEF258893	48.025; 48.035; MIL; Court's Discovery Orders					
4495	Email from M. Pierce to G. Dosedel, et al., RE: Rate Proposal (06/21/18)	DEF258955	48.025; 48.035; MIL; Court's Discovery Orders					
4496	Analysis of TeamHealth Proposal	DEF258959	48.025; 48.035; MIL; Court's Discovery Orders					
4497	Email from S. Schoener to G. Dosedel, et al., Re: UHC and FES Renegotiation (07/19/18)	DEF259213 - DEF259219	48.025; 48.035; MIL; Court's Discovery Orders					
4498	Email from K. Miller to G. Dosedel, et al., RE: TeamHealth Proposal (08/13/18)	DEF259502 - DEF259503	48.025; 48.035; MIL; Court's Discovery Orders					
4499	Email from S. Schoener to C. Sims, et al., Re: Fremont Emergency Service Tax Id 88-0262438 (07/03/17)	DEF261718 - DEF261726	48.025; 48.035; MIL; Court's Discovery Orders					
4500	Email from J. Jefferson to C. Sims RE: Fremont Emergency Services Tax Id (07/18/17)	DEF261761	48.025; 48.035; MIL; Court's Discovery Orders					
4501	Email from C. Spaeth to J. Jefferson, et al., Re: TeamHealth/Fremont (04/26/19)	DEF262316 - DEF262317	48.025; 48.035; MIL; Court's Discovery Orders					
4502	Email from C. Spaeth to J. Jefferson, et al., Re: 92901 - Fremont Emergency Services (04/03/19)	DEF262318 - DEF262319	48.025; 48.035; MIL; Court's Discovery Orders					
4503	Email from J. Jefferson to M. Doolin Re: 92901 - Fremont Emergency Services (05/15/19)	DEF263073 - DEF263077	48.025; 48.035; MIL; Court's Discovery Orders					
4504	Email from A. Nierman to E. Lagerstrom, et al., Re: TH Rate Proposal 8.8.19 (10/14/19)	DEF264007 - DEF264010	48.025; 48.035; MIL; Court's Discovery Orders					
4505	WITHDRAWN							
4506	Proposal Option Notes of K. Bristow (8/14/19)	DEF264570	48.025; 48.035; MIL; Court's Discovery Orders					
4507	TeamHealth Master Communications Rollout Plan (Tick-Tock) (06/19/19)	DEF264578 - DEF264581	48.025; 48.035; MIL; Court's Discovery Orders					
4508	Email from K. Smith to A. Neirmen, et al., Re: TeamHealth - InPhyNet/Paragon (08/28/18)	DEF265781 - DEF265784	48.025; 48.035; MIL; Court's Discovery Orders					
4509	Email from H. Holic to A. Nierman, Re: Updated National Provider Profile (02/13/19)	DEF266215 - DEF266226	48.025					
4510	Email from M. Pierce to A. Nierman Re: TeamHealth Relativity Compared to non-TeamHealth (02/13/19)	DEF266227	52.015					
4511	Email from A. Nierman to V. McRoy, et al., Re: TeamHealth (04/02/19)	DEF266466 - DEF266467	48.035					
4512	Email from V. Zuccarello to A. Nierman RE: Document 1 with attachment (05/07/19)	DEF267090 - DEF267093	48.035					
4513	WITHDRAWN							
4514	Email from A. Nierman to L. Loyd, RE: United Healthcare Proposal and Notice of Termination /Breach (07/09/19), with attachments	DEF268579 - DEF268704	48.035					
4515	Email from A. Nierman to K. Bristow, Re: Touch base Monday Morning (07/14/19)	DEF269290 - DEF269293	48.025; MIL					
4516	UnitedHealth Group TeamHealth Plan	DEF269297 - DEF269299	48.025; MIL					
4517	Email from K. Bristow to A. Nierman, Re: NDA and Proposal (07/22/19)	DEF269384	48.025; 48.035; MIL; Court's Discovery Orders					
4518	TeamHealth Presentation, United is a Significant Partner with TeamHealth Across the United States (7/19/19)	DEF269387	48.025; 48.035; MIL; Court's Discovery Orders					
4519	WITHDRAWN							
4520	Email from R. Paradise to T. Boettner RE: OON Program Descriptions (01/31/18)	DEF271241 - DEF271242						
4521	Email from R. Paradise to G. Dosedel, Re: EM Care Informational Analysis (02/15/18)	DEF271295 - DEF271298	48.025; 48.035; MIL; Court's Discovery Orders					
4522	Email from M. Edwards to B. Paradise, et al., Re: Quarterly Meeting Follow-up (12/15/18)	DEF272293 - DEF272322						
4523	WITHDRAWN							
4524	Multiplan Meeting Agenda (03/13/18)	DEF272427						
4525	MultiPlan Presentation, MultiPlan Update for UnitedHealthcare: 2017 in Review (3/13/18)	DEF272428						
4526	Email from S. Peterson to S. Wessling, et al., RE OCM Adoption (07/31/18)	DEF274785 - DEF274789						

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Exhibit	Exhibit Description	Bates Numbers	Objection	Stipulated	Offered	Date Offered	Admitted	Date Admitted
4527	Email from E. Mark to E. Johnson, et al., Re: 8/7 CarePoint with MultiPlan (08/07/18)	DEF274909 - DEF274914	48.025					
4528	WITHDRAWN							
4529	MultiPlan Presentation, Data iSight: Maximize Savings Using a Patented Methodology (10/1/15)	DEF275796						
4530	Data iSight Product and Methodology Inpatient Module (06/01/16)	DEF275797 - DEF275804	48.025					
4531	Data iSight Product and Methodology Physician Module (06/01/16)	DEF275812 - DEF275817						
4532	MultiPlan Presentation, Data iSight: Maximize Savings Using a Patented Methodology (12/31/17)	DEF275818						
4533	UnitedHealth Presentation, Non-Par Commercial Spend (7/16/18)	DEF275878						
4534	UnitedHealth Presentation, Core Essentials: Out-of-Network Program Overview (9/24/18)	DEF276412						
4535	Email from M. Edwards to R. Paradise, et al. (10/23/18)	DEF277534 - DEF277537						
4536	Email from J. Kienzle to B. Paradise Re Team Health (01/02/19)	DEF279473 - DEF279476						
4537	WITHDRAWN	-						
4538	Email from D. White to G. Dosedel, et al., Re: Team Health (01/03/19)	DEF279477 - DEF279480						
4539	Email from L. Thiery to J. Stodola, et al., Re: HPB/ER Contracting Efforts (01/26/19)	DEF279546 - DEF279549						
4540	WITHDRAWN	-						
4541	Email from B. Ginther to J. Buccini, et al., Re: UHC Reduce BMP Factor to 400% (03/04/19)	DEF280447 - DEF280528						
4542	UnitedHealthcare Implement Benchmark Pricing (2017-2018)	DEF280489 - DEF280515						
4543	UnitedHealthcare (UHC 19-02) Reduce BMP Factor V. .01 (03/01/19)	DEF280640 - DEF280648						
4544	WITHDRAWN							
4545	UnitedHealth Presentation, Outlier Cost Management (OCM) Dispute Rate & Savings Retention (4/1/19)	DEF282047						
4546	Email from J. Kienzle to J. Bradley, et al., Re: Team Health (06/13/19)	DEF282548 - DEF282549	48.035; 48.105					
4547	UnitedHealth Presentation, Out-of-Network Program Business Partner Overview (2/28/19)	DEF283505						
4548	Email from L. LaMaster to J. Kienzle, et al., Re: Appeals next steps (08/22/19)	DEF283765 - DEF283768						
4549	Email from J. Jefferson to M. Bouzari, et al., Re: Retro Fee Schedule Build Fremont Emergency Service Tax (09/13/17)	DEF285433 - DEF285435	48.025; 48.035; MIL; Court's Discovery Orders					
4550	Email from M. Bouzari to S. Schoener, et al., Re: Retro Fee Schedule Build Fremont Emergency Service Tax (09/13/17)	DEF285443 - DEF285445	48.025; 48.035; MIL; Court's Discovery Orders					
4551	Email from J. Jefferson to S. Schoener, et al., RE: Team Health fee schedule (08/30/17)	DEF285467 - DEF285469	48.025; 48.035; MIL; Court's Discovery Orders					
4552	Email from S. Schoener to M. Kline, et al., UHC NV (10/09/17)	DEF285596 - DEF285600	48.025; 48.035; MIL; Court's Discovery Orders					
4553	Email from S. Schoener to C. Vanderfolk, et al., Re: Fremont Amendment (10/18/17)	DEF285610 - DEF285618	48.025; 48.035; MIL; Court's Discovery Orders					
4554	Email from S. Schoener to C. Vanderkolk, et al., Re: Team Health Fee Schedule (09/08/17)	DEF285634 - DEF285636	48.025; 48.035; MIL; Court's Discovery Orders					
4555	Email from C. Sims to S. Schoener, et al., Re: TeamHEalth NV TINs (05/16/18)	DEF286333 - DEF286341	48.025; 48.035; MIL; Court's Discovery Orders					
4556	Email from C. Sims to S. Schoener, et al., Re: TeamHEalth NV TINs (05/16/18)	DEF286395 - DEF286396	48.025; 48.035; MIL; Court's Discovery Orders					
4557	Email from S. Schoener to C. Sims, et al., Re: SMA UHC Utilization (06/11/18)	DEF286405 - DEF286416	48.025; 48.035; MIL; Court's Discovery Orders					
4558	Email from J. Jefferson to S. Schoener, et al., Re: Fremont Emergency Services/Team Health Term (07/20/18)	DEF286658 - DEF286660	48.025; 48.035; MIL; Court's Discovery Orders					
4559	Email from J. Jefferson to R. Harris, et al., Re: Sierra Healthcare Options with Fremont Emergency Services Termination Confirmation (08/08/19)	DEF286661 - DEF286671	48.025; 48.035; MIL; Court's Discovery Orders					
4560	Email from J. Jefferson to S. Schoener, Re: HPN Fremont Term Correspondence (07/20/18)	DEF286686 - DEF286700	48.025; 48.035; MIL; Court's Discovery Orders					
4561	Email from J. Jefferson to E. Chapin, et al., RE: Team Health Tax ID (09/21/18)	DEF287932 - DEF287933	48.035					
4562	Email from J. Jefferson to S. Schoener, et al., Re: UHC Affiliates with FES Termination Intent (09/13/18)	DEF287938 - DEF287939	48.025; 48.035; MIL; Court's Discovery Orders					
4563	Email from R. Adipat to E. Johnson, et al., RE: UNET Egregious Facility Project Meetings (01/05/16)	DEF291020						
4564	Email from E. Johnson to S. Peterson, et al., Re: MultiPlan Initiative Update (05/05/16)	DEF291378 - DEF291380						
4565	Email from R. Lopez to J. Bradley Re: Data isight Methodology Change to Professional Claims (01/25/19)	DEF292550 - DEF292553						
4566	Email from J. Bradley to N. Thompson, et al., Re: General MEOB Contacts (03/28/19)	DEF293708 - DEF293712	52.015					
4567	MultiPlan and UHC Workflow	DEF295665 - DEF295672						
4568	MultiPlan Presentation, Data iSight for UnitedHealthcare (2/8/16) (MSJ Ex. 16)	DEF298507						
4569	Email from J. Kienzle to D. White, et al. (2/29/16)	DEF298509 - DEF298511						
4570	Email from J. Haben to L. Paidosh (9/8/16)	DEF298680						

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Exhibit	Exhibit Description	Bates Numbers	Objection	Stipulated	Offered	Date Offered	Admitted	Date Admitted
4571	Email from R. Paradise to J. Haben, RE: Provider Term Review Proposed reporting (10/03/19)	DEF298760 - DEF298762						
4572	Email from R. Paradise to J. Haben, et al., Re: Negotiation Update (01/27/20)	DEF298944 - DEF298953	48.035; MIL; Court's Discovery Order					
4573	MultiPlan Presentation, Competitive Landscape for Cost Management (09/26/19) (MSJ Ex.21)	DEF299508						
4574	Email from R. Paradise to J. Antolik, et al., Re: Data iSight Presentation (08/19/16)	DEF300121						
4575	MultiPlan Presentation: Data iSight for United Healthcare (02/12/15)	DEF300122						
4576	Email from J. Kienzle to B. Paradise Re: UHC Analysis and Near Term Ideas (04/28/17)	DEF300387						
4577	Email from E. Johnson to S. Peterson, et al, Re: DiS with attachment (02/02/16)	DEF301037 - DEF301037.8						
4578	Email from E. Johnson to S. Peterson, et al., Re: DiS optimization update (04/28/16)	DEF301405 - DEF301407						
4579	Email from C. Larson to E. Johnson, et al., Re: ASO Summit Meeting Notes/ Take Aways - Updates (06/07/16)	DEF301546 - DEF301548						
4580	Email from E. Johnson to C. Larson, et al., Re: CMS rates for NJ, NY and CT (09/27/16)	DEF302383 - DEF302387						
4581	WITHDRAWN							
4582	MultiPlan Presentation, Analysis and Recommended Actions for Enhancing Savings Results (3/8/17) (MSJ Ex. 20)	DEF303916						
4583	Email from E. Johnson to S. Peterson, et al., Re: DiS rate for Free Standing Ers (10/31/17)	DEF304973 - DEF304975						
4584	Email from D. White to J. Kienzle, et al. Re: Analysis request (02/18/18)	DEF305239 - DEF305240						
4585	Email from S. Peterson to M. Pasnik, et al., RE: HOLD DiS Language Review with MP (06/22/18)	DEF306394						
4586	Shared Savings Program Enhanced	DEF306721 - DEF306732						
4587	Email from K. Dugan to R. Lopez, et al., RE: Data iSight - Presentation and Materials (01/16/20)	DEF307076 - DEF307077						
4588	Data iSight Professional Methodology (08/01/19)	DEF307085 - DEF307086						
4589	MultiPlan Agenda and Meeting Minutes (01/14/20)	DEF307450 - DEF307456						
4590	Email from J. Becker to R. Lopez, et al., Re: PAD Update, Add Disclaimer (01/30/20)	DEF307470 - DEF307667						
4591	Email from M. Edwards to R. Lopez, et al., Re: UHC Ambulance Claims - No reproicing Reason Needed (01/03/20)	DEF307564 - DEF307576	48.025; 52.015					
4592	Email from R. Lopez to M. Edwards, et al., RE: HBP Status? (01/10/20)	DEF307644						
4593	DiS ER Professional Logic	DEF310653 - DEF310657						
4594	Consumer Protection - Member Focus Discussion	DEF310747 - DEF310748						
4595	Email from R. Lopez to M. Edwards , et al., Re: Team Health UHG Request (04/11/19)	DEF312289						
4596	Email from M. Edwards to R. Lopez, et al., RE: TH - Privileged and Confidential (10/02/19)	DEF312305 - DEF312308	48.035					
4597	Email from K. Dugan to R. Lopez, et al., Re: UHC Affiliates - TH Project? (09/27/19)	DEF312797 - DEF312800						
4598	Email from T. Smith to R. Lopez, et al., Re: PAD Update Add Disclaimer (12/11/19)	DEF313643 - DEF313667						
4599	Draft - UHC 19-12: UNITEDHEALTHCARE HOSPITAL BASED PROVIDERS (HBP) THRESHOLD CHANGE (10/07/19)	DEF314656 - DEF314667						
4600	Email from R. Lopez to S. Sheedy, et al., Re: 'Beef up' Appeals Language (10/04/17)	DEF319762 - DEF319766						
4601	Email from J. Haben to R. Paradise Re: My notes from the Multiplan Meeting yesterday (09/27/19)	DEF330041 - DEF330042						
4602	Email from E. Lagerstrom to L. McDonnel, et al. (9/27/19)	DEF330043 - DEF330045						
4603	Email from R. Lopez to J. Haben, et al., re: TH Presentation 61320 (06/13/19)	DEF336430						
4604	UnitedHealth Presentation, Team Health - Privileged & Confidential	DEF336431						
4605	Email from A. Nierman to K. Miller, et al. Re: Proposed National Team Responsibilities (11/22/20)	DEF340985 - DEF340987						
4606	Email from R. Paradise to J. Bradley, Re: OCM Program Overview tip sheet May 2016 (05/11/16)	DEF344539 - DEF344540						
4607	Email from R. Paradise to J. Bradley, Re: OCM Final Presentation August 2016 (08/15/16)	DEF349754 - DEF349755						
4608	UnitedHealth Presentation, Outier Cost Management Program: Changes as of 8/15/16	DEF349756						
4609	Email from S. Schoener to C. Ackerman, et al., Re: ACA and Emergency Care Reimbursement (02/19/19)	DEF359181 - DEF359182						
4610	Email from K. Bristow to J. Haben, et al., Re: Rate Proposal (06/18/18)	DEF359959 - DEF359960	48.025; 48.035; MIL; Court's Discovery Orders					
4611	Email from G. Dosedel to M. Cahn, Re: Action TeamHealth (12/12/18)	DEF360100 - DEF360104	48.025; 48.035; MIL; Court's Discovery Orders					
4612	TeamHealth Letter to A. Nierman Re Continuing Offer Regarding Reimbursement of Emergent Care (10/15/19)	DEF361128 - DEF361138	48.025; 48.035; MIL; Court's Discovery Orders					

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Exhibit	Exhibit Description	Bates Numbers	Objection	Stipulated	Offered	Date Offered	Admitted	Date Admitted
4613	Email from J. Kienzle to R. Paradise , et al., Re: Consumer Protection [redacted] meeting minutes (10/19/18)	DEF399416 - DEF399418						
4614	Email from D. Richard to G. Dosedel Re: Redacted (03/08/18)	DEF401285 - DEF401316	52.015					
4615	Email from J. Hicks to K. Miller, et al., Re: HNO/ER Contracting Support (06/27/18)	DEF423244 - DEF423255						
4616	R&C Fair Health Opportunity	DEF428298	TBD - Exhibit Will Not Open					
4617	Email from D. Rosenthal to K. Miller Re: FW TeamHealth Meeting Summary (05/04/18)	DEF440407 - DEF440409	48.025; 48.035; MIL; Court's Discovery Orders					
4618	Email from R. Paradise to R. Lopez, et al., Re: Update Claim Correction on Multiplan (06/06/19)	DEF464908 - DEF464909						
4619	Email from S. Peterson to L. LaMaster Re Out-of-Network Programs Product Presentation with attachments (01/06/16)	DEF476452						
4620	Email from J. Jefferson to S. Schoener, RE: EME Rate for TIN 880262438 (03/11/19)	DEF488955 - DEF488958	48.025; 48.035; MIL; Court's Discovery Orders					
4621	Email from D. Pirrone to S. Schoener, et al., Re: ACA and Emergency Care Reimbursement (02/19/19)	DEF489345 - DEF489347						
4622	Email from K. Miller to V. Zuccarello, et al., RE: Hot Deals Update to be distributed 12/16 (12/16/19)	DEF491733 - DEF491734	48.025; 48.035; MIL; Court's Discovery Orders					
4623	Email Attachment- Spreadsheet (12/16/19)	DEF491734	48.035; MIL					
4624	Email from G. Dosedel to D. Rosenthal, et al. (5/17/18), with attachment	DEF493836 DEF493838 - DEF493837 DEF493838	48.025; 48.035; MIL; Court's Discovery Orders					
4625	UnitedHealth Presentation, Vended Solutions - SSP, FRC & OCM (SSPe) Q2'19 Performance Summary (7/23/19)	DEF497874						
4626	Email from K. Dugan to R. Lopez, et al., RE: Data iSight - Presentation and Materials (01/16/20)	DEF501252 - DEF501265						
4627	MultiPlan, Data iSight Professional Methodology (08/19) (MSJ Ex. 17)	DEF501261 - DEF501262						
4628	UnitedHealthcare (UHC 19-02) Reduce BMP Factor V. .01 (03/06/19)	DEF505427 - DEF505435						
4629	Amendment to Network Access Agreement between United Healthcare and MultiPlan, Inc. (10/1/17)	DEF505846 - DEF505860	48.025; 48.035; MIL; Court's Discovery Orders					
4630	UHC OCM Optimization July 2016 (07/11/16)	DEF508886 - DEF508887						
4631	UnitedHealth Presentation, Out of Network Programs Future State Strategy Discussion (11/17/15)	DEF510074						
4632	Email from J. Kienzle to J. Bradley, et al., Re: TeamHealth Privileged and Confidential (06/13/19)	DEF514243 - DEF514244						
4633	Email from P. Petrozzelli to C. Larson, et al., Re: United Weekly Business Meeting Minutes (04/05/17)	DEF515617 - DEF515618						
4634	UnitedHealthcare Networks Monthly Business Report (3/19)	DEF516627 - DEF516669						
4635	Email from A. Nierman to D. Rosenthal, et al., Re: TeamHealth Materials for Tomorrows Meeting (04/17/19)	DEF516799 - DEF516808	48.025; 48.035; MIL; Court's Discovery Orders					
4636	Email from K. Miller to D. Schumacher, et al., Re: TeamHealth - Leif/Schu Discussion F/Ups - Privileged (04/23/19)	DEF517427 - DEF517428	48.025; 48.035; MIL; Court's Discovery Orders					
4637	Email from K. Miller to G. Dosedel RE: UHC Proposal (09/27/18)	DEF517440 - DEF517442	48.025; 48.035; MIL; Court's Discovery Orders					
4638	Enhancing Out-of-Network Competitive Position Presentation (05/14/18)	DEF517516 - DEF517525						
4639	Compilation of Emails, TeamHealth Letters, and Handwritten Notes (08/02/19)	DEF519523 - DEF519620	48.025; 48.035; MIL; Court's Discovery Orders					
4640	Email from D. Schumacher to R. Galvin, RE: Meeting on 4/18 (04/01/19)	DEF524527 - DEF524534	48.025; 48.035; MIL; Court's Discovery Orders					
4641	WITHDRAWN							
4642	Letter from TeamHealth to D. Schumacher (4/12/19)	DEF525428 - DEF525429	48.025; 48.035; MIL; Court's Discovery Orders					
4643	TeamHealth Presentation - Emergency Medicine UHC Developing a Collaborative National Solution to Address Surprise Billing (04/18/19)	DEF525472 - DEF525473	48.025; 48.035; MIL; Court's Discovery Orders					
4644	TeamHealth Letter to D. Schumacher Re: Preparation Materials for Our Up-Coming Meeting on April 18 (04/12/19)	DEF525474 - DEF525492	48.025; 48.035; MIL; Court's Discovery Orders					
4645	WITHDRAWN							
4646	WITHDRAWN							
4647	WITHDRAWN							
4648	Email from D. Schumacher to L. Murphy, et al., Re: TeamHealth Meeting (04/17/19)	DEF525498	48.025; 48.035; MIL; Court's Discovery Orders					
4649	WITHDRAWN							
4650	Email from K. Kilgore to E. Johnson, et al., Re: UHC BMP External Meeting (03/05/18)	DEF528965 - DEF528966						
4651	UMR Supplemental Field Lookup - UHC Network Provider Flag by Claim	DEF528970	48.035					
4652	UNET, Supplemental Field Lookup - Additional Claims	DEF528971	48.035					
4653	Claims submission	DEF530126	48.025; 52.015					
4654	Claims submission	DEF530127	48.025; 52.015					
4655	Claims submission	DEF530128	48.025; 52.015					
4656	Claims submission	DEF530129	48.025; 52.015					
4657	Claims submission	DEF530130	48.025; 52.015					
4658	Claims submission	DEF530131	48.025; 52.015					
4659	Claims submission	DEF530132	48.025; 52.015					

Exhibit	Exhibit Description	Bates Numbers	Objection	Stipulated	Offered	Date Offered	Admitted	Date Admitted
4660	Claims submission	DEF530133	48.025; 52.015					
4661	Claims submission	DEF530134	48.025; 52.015					
4662	Claims submission	DEF530135	48.025; 52.015					
4663	Claims submission	DEF530136	48.025; 52.015					
4664	Claims submission	DEF530137	48.025; 52.015					
4665	Claims submission	DEF530138	48.025; 52.015					
4666	Claims submission	DEF530139	48.025; 52.015					
4667	Claims submission	DEF530140	48.025; 52.015					
4668	Claims submission	DEF530141	48.025; 52.015					
4669	Claims submission	DEF530142	48.025; 52.015					
4670	Claims submission	DEF530143	48.025; 52.015					
4671	Claims submission	DEF530144	48.025; 52.015					
4672	Claims submission	DEF530145	48.025; 52.015					
4673	Claims submission	DEF530146	48.025; 52.015					
4674	Claims submission	DEF530147	48.025; 52.015					
4675	Claims submission	DEF530148	48.025; 52.015					
4676	Claims submission	DEF530149	48.025; 52.015					
4677	Claims submission	DEF530150	48.025; 52.015					
4678	Claims submission	DEF530151	48.025; 52.015					
4679	OCM/ENRP Data	DEF530152	48.035					
4680	Letter from Health Care Financial Services of TeamHealth to United Healthcare Services, Inc., Re: Provider Dispute Reconsideration/appeal (07/02/19)	FESM000001 - FESM000003						
4681	Exhibit 1 to July 2, 2019 letter re Provider Dispute Reconsideration/Appeal for Physician Practices to United Healthcare Services in Atlanta, GA	FESM000004						
4682	July 2, 2019 letter re Provider Dispute Reconsideration/Appeal for the Physician Practices to United Healthcare Insurance Company in Salt Lake City, UT	FESM000005 - FESM000007						
4683	Exhibit 1 to July 2, 2019 letter re Provider Dispute Reconsideration/Appeal for Physician Practices to United Healthcare Insurance Company in Salt Lake City, UT	FESM000008						
4684	Allowed in Full Claims Spreadsheet, Version 1	FESM000009	48.035					
4685	Wrap Claims Spreadsheet, Version 1	FESM000010	48.035					
4686	Disputed Claims Spreadsheet, Version 1	FESM000011	48.035					
4687	March 19, 2019 letter re UHG Surprise Billing Chairmen Letter	FESM000012 - FESM000018	MIL					
4688	Health Plan of Nevada, Inc. – Medicaid/Nevada Check-up	FESM000019 - FESM000104	48.025; 48.035; MIL; Court's Discovery Orders					
4689	Health Plan of Nevada, Inc. Consulting Provider Amendment	FESM000105 - FESM000107	48.025; 48.035; MIL; Court's Discovery Orders					
4690	March 1, 2019 letter re Health Plan of Nevada and Fremont Emergency Services Termination Confirmation	FESM000108	48.025; 48.035; MIL; Court's Discovery Orders					
4691	September 10, 2018 letter re Request to Renegotiate or	FESM000109 - FESM000117	48.025; 48.035; MIL; Court's Discovery Orders					
4692	Sierra Health & Life Insurance Company, Inc. Amendment to Individual/Group Provider Agreement	FESM000118 - FESM000120	48.025; 48.035; MIL; Court's Discovery Orders					
4693	Sierra Health & Life Insurance Company, Inc. Individual/Group Provider Agreement	FESM000121 - FESM000200	48.025; 48.035; MIL; Court's Discovery Orders					
4694	Sierra Health & Life Insurance Company, Inc.	FESM000201 - FESM000203	48.025; 48.035; MIL; Court's Discovery Orders					
4695	Sierra Health & Life Insurance Company, Inc. Individual/Group Provider Agreement	FESM000204 - FESM000219	48.025; 48.035; MIL; Court's Discovery Orders					
4696	March 1, 2019 letter re Sierra Healthcare Options (Sierra Health and Life) and Fremont Emergency Services Termination Confirmation	FESM000220	48.025; 48.035; MIL; Court's Discovery Orders					
4697	Amendment to Medical Group Participation Agreement	FESM000221 - FESM000223	48.025; 48.035; MIL; Court's Discovery Orders					
4698	June 30, 2017 letter re United Healthcare and Fremont Emergency Services Termination Notification	FESM000224	48.025; 48.035; MIL; Court's Discovery Orders					
4699	December 19, 2014 letter re Executed Participation Agreement/Notice of Effective Date	FESM000225 - FESM000255	48.025; 48.035; MIL; Court's Discovery Orders					
4700	Letter from R. Harris to UnitedHealthcare Nevada (3/9/2017)	FESM000256	48.025; 48.035; MIL; Court's Discovery Orders					
4701	December 19, 2014 letter re Executed Participation Agreement/Notice of Effective Date	FESM000257 - FESM000287	48.025; 48.035; MIL; Court's Discovery Orders					
4702	WITHDRAWN							
4703	Allowed in Full Claims Spreadsheet, Version 2	FESM000342	48.035					
4704	Wrap Claims Spreadsheet, Version 2	FESM000343	48.035					
4705	Disputed Claims Spreadsheet, Version 2	FESM000344	48.035					
4706	Letter dated July 9, 2019 from Angie Nierman to Kent Bristow	FESM000345 - FESM000349	48.025; 48.035; MIL; Court's Discovery Orders					
4707	Letter dated July 9, 2019 from Chris Parillo to Kent Bristow (07/09/19)	FESM000350 - FESM000352	48.025; 48.035; MIL; Court's Discovery Orders					
4708	Letter dated July 9, 2019 from Chris Parillo to Jennifer Shrader	FESM000353 - FESM000355	48.025; 48.035; MIL; Court's Discovery Orders					
4709	Amendment to Small Medical Group Participation Agreement between Fremont Emergency Services and UnitedHealthcare (07/01/16)	FESM000357 - FESM000384	48.025; 48.035; MIL; Court's Discovery Orders					
4710	Email from C. Sims to R. Harris (5/17/16)	FESM000405 - FESM000406	48.025; 48.035; MIL; Court's Discovery Orders					
4711	Spreadsheets	FESM000407 - FESM000409	48.025; 48.035; MIL; Court's Discovery Orders					

Exhibit	Exhibit Description	Bates Numbers	Objection	Stipulated	Offered	Date Offered	Admitted	Date Admitted
4712	Email from R. Harris to Charles Sims, "Subject: Re: Re; UHC-NV and FFS Renegotiation (07/13/16)	FESM000473 - FESM000480	48.025; 48.035; MIL; Court's Discovery Orders					
4713	Email from R. Harris to C. Sims, et al., Re: UHC-NV and FES Renegotiation (06/20/16)	FESM000544 - FESM000555	48.025; 48.035; MIL; Court's Discovery Orders					
4714	Email from R. Harris to C. Sims (6/23/16)	FESM000584 - FESM000595	48.025; 48.035; MIL; Court's Discovery Orders					
4715	Email from R. Harris to C. Sims (6/28/16)	FESM000598 - FESM000599	48.025; 48.035; MIL; Court's Discovery Orders					
4716	Email from C. Sims to R. Harris (7/12/16)	FESM000656 - FESM000664	48.025; 48.035; MIL; Court's Discovery Orders					
4717	Amendment to Medcial Group Participation Agreement (07/01/16)	FESM000662 - FESM000664	48.025; 48.035; MIL; Court's Discovery Orders					
4718	Email from R. Harris to T. Hicks (11/14/16)	FESM000710 - FESM000712	48.025; 48.035; MIL; Court's Discovery Orders					
4719	Letter to Health Plan of Nevada, Scott from R. Harris (11/14/16)	FESM000711	48.025; 48.035; MIL; Court's Discovery Orders					
4720	Letter to R. Harris from Aaron Winder (11/22/16)	FESM000717	48.025; 48.035; MIL; Court's Discovery Orders					
4721	Email from R. Harris to C. Sims, et al., RE: UHC-NV and FES term letter (03/08/17)	FESM000725 - FESM000726	48.025; 48.035; MIL; Court's Discovery Orders					
4722	Email from R. Harris to C. Sims (3/22/17)	FESM000729	48.025; 48.035; MIL; Court's Discovery Orders					
4723	Email from R. Harris to C. Sims (4/14/17)	FESM000734 - FESM000735	48.025; 48.035; MIL; Court's Discovery Orders					
4724	Email from R. Harris to C. Sims Re: UHC NV and FES Renegotiation (06/02/17)	FESM000745 - FESM000748	48.025; 48.035; MIL; Court's Discovery Orders					
4725	Email from R. Harris to C. Sims, Re UHC NV and FES Renegotiation (06/29/17)	FESM000759 - FESM000762	48.025; 48.035; MIL; Court's Discovery Orders					
4726	Email from R. Harris to C. Sims Re: United Healthcare NV and Fremont Emergency Services (07/01/17)	FESM000763	48.025; 48.035; MIL; Court's Discovery Orders					
4727	Letter from R. Harris to UHC NV (06/30/17)	FESM000764	48.025; 48.035; MIL; Court's Discovery Orders					
4728	Email from M. Kline to S. Schoener (9/22/17), with attachment	FESM000777 FESM000779 - FESM000778 FESM000779	48.025; 48.035; MIL; Court's Discovery Orders					
4729	Letter from TeamHealth West to Sierra Health and Life (06/30/17) (MSJ Ex. 29)	FESM000779	48.025; 48.035; MIL; Court's Discovery Orders					
4730	Email from S. Schoener to M. Kline, et al., Re: UHC NV (10/09/17)	FESM000789 - FESM000792	48.025; 48.035; MIL; Court's Discovery Orders					
4731	Email from S. Schoener to R. Harris, et al., Re: Fremont Amendment (10/13/17)	FESM000793 - FESM000820	48.025; 48.035; MIL; Court's Discovery Orders					
4732	Email from M. Kline to S. Schoener (10/17/17)	FESM000827 - FESM000830	48.025; 48.035; MIL; Court's Discovery Orders					
4733	Email from D. Pirrone to M. Kline, et al., Re: Fremont Amendment (10/19/17)	FESM000835 - FESM000838	48.025; 48.035; MIL; Court's Discovery Orders					
4734	Email from R. Harris to A. Jackson, Re: Health Plan of Nevada and FES Renewal Request (01/24/18)	FESM000846 - FESM000847	48.025; 48.035; MIL; Court's Discovery Orders					
4735	Email from R. Harris to B. Camacho, et al., Re: Sierra Healthcare Options and FES Renewal Request (01/31/18)	FESM000848 - FESM000849	48.025; 48.035; MIL; Court's Discovery Orders					
4736	Letter from Health Plan of Nevada to TeamHealth West (3/13/18)	FESM000886	48.025; 48.035; MIL; Court's Discovery Orders					
4737	Letter to R. Harris from Jacy Jefferson, re Termination Notice with the intent to negotiate (03/13/18)	FESM000892	48.025; 48.035; MIL; Court's Discovery Orders					
4738	Email from K. Bristow to JJ Shrader Re UHC and TeamHealth Touchbase (03/21/18)	FESM000921 - FESM000924	48.025; 48.035; MIL; Court's Discovery Orders					
4739	Email from J. Jefferson to R. Harris, et al., Re: UHC (Healthcare Options, Sierra H&L and Healthcare of Nevada) aND FES Renegotiation (04/04/18)	FESM000929	48.025; 48.035; MIL; Court's Discovery Orders					
4740	Amendment to Individual / Group Provider Agreement between Fremont Emergency Services and Sierra Health & Life Insurance Company (07/15/15)	FESM000931 - FESM000933	48.025; 48.035; MIL; Court's Discovery Orders					
4741	Email from J. Jefferson to R. Harris (5/10/18), with attachments	FESM001015 - FESM001028	48.025; 48.035; MIL; Court's Discovery Orders					
4742	Email from J. Jefferson to R. Harris (6/12/18)	FESM001065 - FESM001066	48.025; 48.035; MIL; Court's Discovery Orders					
4743	Email from R. Harris to J. Jefferson Re UHC Healthcare Options (07/12/18)	FESM001075 - FESM001078	48.025; 48.035; MIL; Court's Discovery Orders					
4744	Email from R. Harris to J. Jefferson, et al., Re: Healthcare Options, Sierra H&L and Health Plan if Nevada and FES Renegotiation (07/12/18)	FESM001083 - FESM001086	48.025; 48.035; MIL; Court's Discovery Orders					
4745	Email from R. Harris to J. Jefferson (7/15/18), with attachment	FESM001087 FESM001088 - FESM001087 FESM001090	48.025; 48.035; MIL; Court's Discovery Orders					
4746	Email from G. Dosedel to J. Shrader, et al., Re: UHC Proposal (08/27/18)	FESM001136 - FESM001137	48.025; 48.035; MIL; Court's Discovery Orders					
4747	Email from R. Harris to J. Jefferson (9/13/18)	FESM001142	48.025; 48.035; MIL; Court's Discovery Orders					
4748	Letter, Jefferson to Harris, re Request to Renegotiate or Terminate Intention (09/10/28)	FESM001163 - FESM001171	48.025; 48.035; MIL; Court's Discovery Orders					
4749	Email from J. Shrader to G. Dosedel, Re: TeamHealth (10/26/18)	FESM001172 - FESM001173	48.025; 48.035; MIL; Court's Discovery Orders					
4750	Email from J. Jefferson to R. Harris (10/30/18)	FESM001174	48.025; 48.035; MIL; Court's Discovery Orders					

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Exhibit	Exhibit Description	Bates Numbers	Objection	Stipulated	Offered	Date Offered	Admitted	Date Admitted
4751	Email from G. Dosedel to J. Shrader, et al, Re: UnitedHealthcare Proposal (01/03/19)	FESM001210 - FESM001212	48.025; 48.035; MIL; Court's Discovery Orders					
4752	Email from R. Harris to J. Jefferson (01/11/19) (Ex. 5 to Defendants' MIL No. 11)	FESM001213 - FESM001215	48.025; 48.035; MIL; Court's Discovery Orders					
4753	Email from Jacy Jefferson to R. Harris, "RE: Health Plan of NV, SHL, SHO and FES Renegotiation," (02/21/19)	FESM001217 - FESM001220	48.025; 48.035; MIL; Court's Discovery Orders					
4754	Email from R. Harris to J. Jefferson, et al. (2/21/19)	FESM001221 - FESM001224	48.025; 48.035; MIL; Court's Discovery Orders					
4755	Email from R. Harris (TeamHealth, Sr. Contract Manager) to Jacy Jefferson (Sierra Healthcare Options, Contract Manager) and attached letter, (03/01/19)	FESM001233 - FESM001235	48.025; 48.035; MIL; Court's Discovery Orders					
4756	Letter from TeamHealth West to Sierra Health and Life (3/1/19) (MSJ Ex. 30)	FESM001234	48.025; 48.035; MIL; Court's Discovery Orders					
4757	Email from J. Jefferson to R. Harris (7/7/19)	FESM001252 - FESM001254	48.025; 48.035; MIL; Court's Discovery Orders					
4758	Email from K. Bristow to A. Nierman, et al., Re: Confidential Data Report (07/16/19)	FESM001380	48.025; 48.035; MIL; Court's Discovery Orders					
4759	Data Report (07/16/19)	FESM001381	Did Not Receive - Reserving Objection					
4760	Fee Schedule Chargemaster Process	FESM001390	MIL					
4761	Provider Remittance Advice (02/22/19)	FESM001391 - FESM001397	52.015; 48.025					
4762	Data iSight Website printout	FESM001436 - FESM001440						
4763	Data iSight Patient Portal	FESM001441 - FESM001445						
4764	FAIR Health Billed Charges Spreadsheet	FESM001456	49.025; 48.035; MIL; Court's Prior Order					
4765	Billing Services Agreement (01/01/16)	FESM001476 - FESM001478	48.025; 48.035; MIL; Court's Discovery Orders					
4766	Billing Services Agreement (01/01/16)	FESM001486 - FESM001490	48.025; 48.035; MIL; Court's Discovery Orders					
4767	Data iSight Letter of Agreement (07/31/19)	FESM001489	48.025; 52.015					
4768	Letters of Agreement (12/20/19)	FESM001489 FESM 009561 FESM009567 FESM009596	48.025; 52.016					
4769	Billing Services Agreement (01/01/16)	FESM001492 - FESM001494	48.025; 48.035; MIL; Court's Discovery Orders					
4770	Professional and Support Services Agreement (01/01/16)	FESM001496 - FESM001509	48.025; 48.035; MIL; Court's Discovery Orders					
4771	Professional and Support Services Agreement (10/01/15)	FESM001510 - FESM001523	48.025; 48.035; MIL; Court's Discovery Orders					
4772	Professional and Support Services Agreement between Quantum Plus, LLC and Crum, Stefanko & Jones, Ltd. (01/01/19)	FESM001524 - FESM001537	48.025; 48.035; MIL; Court's Discovery Orders					
4773	CollectRx Letter to K. Bristow (10/28/19)	FESM001546 - FESM001547	48.025; 48.035; MIL					
4774	TeamHealth Plaintiffs' Market Data	FESM001548 -	48.035; MIL; Court's Prior Orders					
4775	Health Care Financial Services of TeamHealth Policy & Procedure Billing Center Operations (03/23/16)	FESM001552 - FESM001556	48.025					
4776	Amendments to the MPI Participating Professional Group Agreement (01/01/18)	FESM001841 - FESM002384	48.025; 48.035; MIL; Court's Discovery Orders					
4777	Multiplan Letter to JJ Shrader Re: Important: Notice of Material Change/Amendment to Contract (06/01/16)	FESM001883	48.025; 48.035; MIL; Court's Discovery Orders					
4778	Ruby Crest Letter to Tammie Tibbits (10/27/15)	FESM002020 - FESM002031	48.025; 48.035; MIL; Court's Discovery Orders					
4779	Amendment to the MPI Participating Professional Group Agreement (01/01/14)	FESM002138 - FESM002145	48.025; 48.035; MIL; Court's Discovery Orders					
4780	MPI Participating Professional Group Agreement (01/01/10)	FESM002334	48.025; 48.035; MIL; Court's Discovery Orders					
4781	Physician Group Agreements & Amendments	FESM002385 - FESM003038	48.025; 48.035; MIL; Court's Discovery Orders					
4782	Email from R. Harris to S. Davies, et al., Re: UHC-NV and FES Term Notification - UPDATE (06/30/17)	FESM003059 - FESM003060	48.025; 48.035; MIL; Court's Discovery Orders					
4783	Email from R. Harris to K. Bristow, et al., Re: UHC NV for Kent (09/08/17)	FESM003066 - FESM003068	48.025; 48.035; MIL; Court's Discovery Orders					
4784	Email from R. Harris to J. Heuberger, et al., UHC NV for Kent (10/18/17)	FESM003074 - FESM003079	48.025; 48.035; MIL; Court's Discovery Orders					
4785	Email from R. Harris to C. Sims, et al., Re: United Healthcare Nevada (12/14/17)	FESM003094 - FESM003100	48.025; 48.035; MIL; Court's Discovery Orders					
4786	Email from K. Ballew to R. Harris, et al., Re: Duplicates in Budget (02/08/18)	FESM003107	48.025; 48.035; MIL; Court's Discovery Orders					
4787	Email from T. Brewer to K. Bristow (2/16/18)	FESM003109 - FESM003110	48.025; 48.035; MIL; Court's Discovery Orders					
4788	Email from K. Ballew to J. Heuberger, et al., Re: Managers File - February - prelim (03/01/18)	FESM003123 - FESM003125	48.025; 48.035; MIL; Court's Discovery Orders					
4789	Email from R. Harris to K. Smith Re: redacted (04/19/18)	FESM003157	Did Not Receive - Reserving Objection					
4790	Email from R. Harris to K. Smith (4/20/18)	FESM003159 - FESM003167	52.015					
4791	Email from R. Harris to M. Kline Re: UHC NV (05/08/18)	FESM003172 - FESM003173	48.025; 48.035; MIL; Court's Discovery Orders					

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Exhibit	Exhibit Description	Bates Numbers	Objection	Stipulated	Offered	Date Offered	Admitted	Date Admitted
4792	Email from R. Harris to M. Kline (5/10/18)	FESM003176 - FESM003177	48.025; 48.035; MIL; Court's Discovery Orders					
4793	Email from R. Harris to M. Kline, et al., Re: UHC NV (Sierra H&L, Sierra Healthcare Options and Health Plan of Nevada) with FES Renegotiation (06/08/18)	FESM003206 - FESM003208	48.025; 48.035; MIL; Court's Discovery Orders					
4794	Email from R. Harris to M. Kline (6/14/18)	FESM003213	48.025; 48.035; MIL; Court's Discovery Orders					
4795	Email from R. Harris to M. Kline (6/8/18)	FESM003214 - FESM003216	48.025; 48.035; MIL; Court's Discovery Orders					
4796	Email from M. Kline to K. Bristow, et al., Re: Nevada update (07/13/18)	FESM003224 - FESM003225	48.025; 48.035; MIL; Court's Discovery Orders					
4797	Email from R. Harris to M. Kline, et al., Re: Nevada update (07/13/18)	FESM003226 - FESM003228	48.025; 48.035; MIL; Court's Discovery Orders					
4798	Sierra Healthcare Options, Inc., Amendment to Individual/Group Provider Agreement (07/15/15)	FESM003249 - FESM003251	48.025; 48.035; MIL; Court's Discovery Orders					
4799	Health Plan of Nevada, Inc. Consulting Provider Amendment (07/15/15)	FESM003252 - FESM003254	48.025; 48.035; MIL; Court's Discovery Orders					
4800	Email from R. Harris to M. Kline (8/13/18), with attachment (08/13/18)	FESM003267 - FESM003277	48.025; 48.035; MIL; Court's Discovery Orders					
4801	Letter from Health Plan of Nevada to R. Harris (08/03/18)	FESM003268 - FESM003277	48.025; 48.035; MIL; Court's Discovery Orders					
4802	Email from M. Kline to R. Harris Re: Health Plan NV, Sierra Health Care Options, with attachment (08/13/18)	FESM003291 - FESM003302	48.025; 48.035; MIL; Court's Discovery Orders					
4803	Email from R. Harris to M. Kline, et al., Re: UHC Affiliates with FES Termination Intent (09/06/18)	FESM003327 - FESM003330	48.025; 48.035; MIL; Court's Discovery Orders					
4804	Email from J. Heuberger to K. Bristow RE Budget 2019, with attachments (09/18/18)	FESM003382 - FESM003386						
4805	Email from D. Greenberg to K. Bristow (3/5/19)	FESM003395 - FESM003397	48.035; MIL					
4806	Email from R. D'Errico to S. Myles, et al., Re: UHC-NV and FES Term Notification Update (03/13/19)	FESM003398 - FESM003399	48.025; 48.035; MIL; Court's Discovery Orders					
4807	Email from R. Harris to S. Myles, et al., Re: UHC-NV and FES Term Notification Update (03/13/19)	FESM003400 - FESM003401	48.025; 48.035; MIL; Court's Discovery Orders					
4808	Email from D. Greenberg to K. Bristow, et al., Re: HCA Las Vegas Contracting (03/14/19)	FESM003402 - FESM003404	48.025; 48.035; MIL; Court's Discovery Orders					
4809	Email from D. Greenberg to J. Behm, et al., Re: HCA Las Vegas and Contracting (03/18/19)	FESM003405 - FESM003406	48.025; 48.035; MIL; Court's Discovery Orders					
4810	Email from R. Frantz to D. Greenberg, et al., Re: HCA Las Vegas and contracting (03/18/19)	FESM003407 - FESM003408	48.025; 48.035; MIL; Court's Discovery Orders					
4811	Email from D. Greenberg to K. Bristow, et al., Re: UHC - HCA Nevada (04/04/19)	FESM003409	48.025; 48.035; MIL; Court's Discovery Orders					
4812	Letter from R. Harris to S. Cassano (1/24/2018)	FESM003445	48.025; 48.035; MIL; Court's Discovery Orders					
4813	Letter from R. Harris to S. Cassano (1/31/2018)	FESM003446	48.025; 48.035; MIL; Court's Discovery Orders					
4814	Email from R. Harris to K. Bristow, et al. (7/20/18)	FESM003447 - FESM003448	48.025; 48.035; MIL; Court's Discovery Orders					
4815	Email to JJ Shrader Re: Fremont (01/01/18)	FESM003466 - FESM003467	48.025; 48.035; MIL; Court's Discovery Orders					
4816	Calendar Invite, UHC Affiliated Plans in NV (8/15/18)	FESM003487 -	48.025; 48.035; MIL; Court's Discovery Orders					
4817	Email from R. Harris to M. Kline (8/13/18), with attachment (08/13/18)	FESM003488 - FESM003499	48.025; 48.035; MIL; Court's Discovery Orders					
4818	Data iSight - Claim (01/18/21)	FESM003506	48.025; 52.015					
4819	Data iSight - Claim (01/18/21)	FESM003507 - FESM003508	48.025; 52.015					
4820	UHC Provider Remittance Advice (04/11/19)	FESM003509	48.025; 52.015					
4821	UHC Provider Remittance Advice (03/19/19)	FESM003514	48.025; 52.015					
4822	Allowed in Full Claims Spreadsheet, Version 3	FESM003525	48.035; MIL					
4823	Wrap Claims Spreadsheet, Version 3	FESM003526	48.035; MIL					
4824	Disputed Claims Spreadsheet, Version 3	FESM003527	48.035; MIL					
4825	Email from R. Harris to E. Edens (9/8/17)	FESM003528 - FESM003531	48.025; 48.035; MIL; Court's Discovery Orders					
4826	Email from K. Bristow to R. Harris, et al. (9/15/17), with attachment (09/15/17)	FESM003590 - FESM003624	48.025; 48.035; MIL; Court's Discovery Orders					
4827	Email from R. Harris to M. Kline (11/8/17)	FESM003686 - FESM003687	48.025; 48.035; MIL; Court's Discovery Orders					
4828	Email from T. Brewer to K. Bristow, et al. (2/16/18)	FESM003791 - FESM003792	48.025; 48.035; MIL; Court's Discovery Orders					
4829	Email from K. Bristow to R. Harris, et al. (3/27/18)	FESM003803 - FESM003804	48.025; 48.035; MIL; Court's Discovery Orders					
4830	Email from J. Schrader to K. Bristow (2/24/19), with attachments (02/24/19)	FESM003810 - FESM003814						
4831	Email from J. Behm to D. Greenberg (3/18/19)	FESM003819 - FESM003822	48.025; 48.035; MIL; Court's Discovery Orders					
4832	Email from R. Harris to D. Greenberg (3/18/19)	FESM003827 - FESM003830	48.025; 48.035; MIL; Court's Discovery Orders					
4833	Email from D. Greenberg to R. Harris (3/18/19)	FESM003831 - FESM003834	48.025; 48.035; MIL; Court's Discovery Orders					
4834	Settlement Agreement (08/07/19)	FESM003883 - FESM003887	48.105; 48.025; 48.035; MIL; Court's Discovery Orders					
4835	Email from R. Harris to S. Davies, et al., Re: United Healthcare Nevada and Fremont Emergency Services (07/06/17)	FESM003906	48.025; 48.035; MIL; Court's Discovery Orders					

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Exhibit	Exhibit Description	Bates Numbers	Objection	Stipulated	Offered	Date Offered	Admitted	Date Admitted
4836	Email from R. Harris to K. Bristow Re: United Healthcare Nevada and Fremont Emergency Services (07/06/17)	FESM003912 - FESM003913	48.025; 48.035; MIL; Court's Discovery Orders					
4837	Email from J. Espino to S. Myles, et al., Re: Dignity - out of Network UHC (08/28/17)	FESM003916	48.025; 52.015					
4838	Email from R. Harris to M. Kline Re: HPN Contract in Las Vegas (09/01/17)	FESM003919 - FESM003921	48.025; 48.035; MIL; Court's Discovery Orders					
4839	Email from R. Harris to M. Kline, et al., Re: UHC NV (09/14/17)	FESM003948 - FESM003951	48.025; 48.035; MIL; Court's Discovery Orders					
4840	Email from V. Begy to J. Shrader, et al., RE: UHC - MPI (09/18/17)	FESM003978 - FESM003980	48.035; 52.015					
4841	Email from R. Harris to M. Kline Re UHC Nevada (09/21/17)	FESM004010 - FESM004015	48.025; 48.035; MIL; Court's Discovery Orders					
4842	Email from M. Kline to S. Schoener (9/22/17), with attachment	FESM004016 FESM004019 - FESM004018 FESM004019	48.025; 48.035; MIL; Court's Discovery Orders					
4843	Email from K. Bristow to L. Murphy, et al. (10/30/17)	FESM004084 - FESM004085						
4844	Email from R. Harris to Mark Kline, "FW: United Healthcare - Las Vegas claims," November 2, 2017 (11/02/17)	FESM004086 - FESM004087	48.025; 48.035; MIL; Court's Discovery Orders					
4845	Email from M. Kline to R. Harris Re United Healthcare Las Vegas Claims (11/02/17)	FESM004086 FESM004095 - FESM004087 FESM004095	48.025; 48.035; MIL; Court's Discovery Orders					
4846	Email from K. Bristow to L. Murphy, et al. (1/15/18)	FESM004120 - FESM004122						
4847	Email from P. Bevilacqua to K. Bristow, et al., Re: Tax ID listing for United (02/16/18)	FESM004182 - FESM004183	48.025; 48.035; MIL; Court's Discovery Orders					
4848	Email from R. Harris to K. Bristow, et al. (2/16/18)	FESM004185 - FESM004186	48.025; 48.035; MIL; Court's Discovery Orders					
4849	TeamHealth Plaintiff TIN Information Spreadsheet	FESM004187	MIL; 48.025; 48.035					
4850	Email from M. Kline to K. Bristow, et al., Re: Tax ID Listing for Unites (02/16/18)	FESM004190 - FESM004196	48.025; 48.035; MIL; Court's Discovery Orders					
4851	Email from K. Bristow to P. Bevilacqua, et al., United Claim Payment Data for ER Services (02/21/18)	FESM004193	48.025; 52.015					
4852	Email from K. Bristow to J. Carman, Re: TeamHealth and UTC Touch Base (03/19/18)	FESM004201 - FESM004204	48.025; 48.035; MIL; Court's Discovery Orders					
4853	Email from J. Heuberger to K. Bristow, et al., RE: UHC OON ED+ANES for Feb 2018 DOS (03/22/18)	FESM004220 - FESM004221						
4854	Email from R. Culloom to A. Roga, et al. (3/29/18), with attachments	FESM004233 FESM004236 - FESM004235 FESM004237	48.025; 48.035; MIL; Court's Discovery Orders					
4855	Email from R. Frantz to K. Bristow, et al. (7/20/18)	FESM004763 - FESM004764	48.025; 48.035; MIL; Court's Discovery Orders					
4856	Email from K. Bristow to R. Harris, et al., Re: UHC NV for Sierra Health and Health Plan NV (07/22/18)	FESM004765 - FESM004766	48.025; 48.035; MIL; Court's Discovery Orders					
4857	Consulting Provider Agreement between Health Plan of Nevada and Fremont Emergency Services (4/1/11)	FESM004811 - FESM004856	48.025; 48.035; MIL; Court's Discovery Orders					
4858	Email from K. Bristow to J. Carman, RE: UHC Proposal (08/27/18)	FESM005502 - FESM005503	48.025; 48.035; MIL; Court's Discovery Orders					
4859	Email from J. Heuberger to JJ Shrader, et al., Re: UHC ED OON 2018 vs 2017 (09/06/18)	FESM005526						
4860	Email from K. Bristow to J. Shrader (10/24/18), with attachment (10/24/18)	FESM005557 - FESM005558						
4861	Email from J. Carman to L. Murphy, RE: Draft OON Proposal for Top 5 ED markets (11/14/18)	FESM005620	48.025; 48.035; MIL; Court's Discovery Orders					
4862	Analysis of United Proposal	FESM005621	48.025; 48.035; MIL; Court's Discovery Orders					
4863	Email from D. Greenberg to K. Bristow (12/11/18)	FESM007062	48.025; 48.035; MIL; Court's Discovery Orders					
4864	Email from JJ Shrader to J. Heuberger to UHC ED - OON & PAR (12/12/18)	FESM007065 - FESM007066						
4865	UHC_ED_OON_Jan-Sep_2018_Q1_vs_Q3_Summary	FESM007067						
4866	Email from P. Bevilacqua to JJ Shrader, et al., Re: List of OON ED Entities with United (12/27/18)	FESM007104 - FESM007105						
4867	Email from D. Greenberg to H. LaQuitta, et al., RE: Urgent - FW List of OON ED Entities with United - Claim Hold 1/1/19 (01/02/19)	FESM007136 - FESM007140						
4868	Email from D. Greenberg to K. Bristow (1/2/19)	FESM007160 - FESM007164						
4869	Email from R. Harris to J. Bruno, et al. (1/3/19)	FESM007192 - FESM007195						
4870	Email from D. Greenberg to R. Harris (1/3/19)	FESM007201 - FESM007204	48.025; 48.035; MIL; Court's Discovery Orders					
4871	Email from R. Harris to D. Greenberg (1/3/19)	FESM007209 - FESM007212	48.025; 48.035; MIL; Court's Discovery Orders					
4872	Email from JJ Shrader to P. Bevilacqua, et al., RE: UHC ED - OON & PAR (06/03/19)	FESM007238 - FESM007239	48.025; 52.015					
4873	Email from P. Dearolf to F. Harney, et al., Re: Urgent FW List of OON ED Entities with United (01/07/19)	FESM007371 - FESM007376						
4874	Email from K. Bristow to D. Greenberg Re: UHC OON Action Plan (01/09/19)	FESM007400 - FESM007401	48.025					

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Exhibit	Exhibit Description	Bates Numbers	Objection	Stipulated	Offered	Date Offered	Admitted	Date Admitted
4875	Email from D. Greenberg to K. Bristow, Re UHC (01/09/19)	FESM007402	48.025; MIL; Court's Discovery Orders					
4876	Email from D. Greenberg to K. Bristow (1/10/19)	FESM007429 - FESM007431	48.025					
4877	Email from D. Greenberg to K. Bristow (1/11/19)	FESM007442 - FESM007449	48.025					
4878	Email from K. Bristow to J. Shrader (1/11/19)	FESM007452 - FESM007467	48.025					
4879	Email from K. Bristow to D. Greenberg, et al., Re: UHC NV for Sierra Health Plan of NV (01/14/19)	FESM007468 - FESM007469	48.025; 48.035; MIL; Court's Discovery Orders					
4880	Email from D. Greenberg to K. Bristow (1/14/19)	FESM007482	48.025; 48.035; MIL; Court's Discovery Orders					
4881	Email from K. Bristow to D. Greenberg (1/14/19)	FESM007488	48.025; 48.035; MIL; Court's Discovery Orders					
4882	Email from D. Greenberg to R. Harris (1/15/19)	FESM007543 - FESM007566	48.035; MIL					
4883	Email from R. Harris to J. Hartless, et al. (1/15/19), with attachments (01/15/19)	FESM007567 - FESM007574	48.035; MIL					
4884	Email from J. Hartless to R. Harris, et al. (1/15/19), with attachments (01/15/19)	FESM007576 - FESM007583	48.035; MIL					
4885	Email from J. Hartless to R. Harris, et al. (1/15/19), with attachments (01/15/19)	FESM007593 - FESM007601	48.035; MIL					
4886	Email from D. Greenberg to A. Roga (1/16/19)	FESM007620 - FESM007623						
4887	Email from R. Harris to D. Greenberg (1/17/19)	FESM007635 - FESM007643	48.025; 48.035; MIL; Court's Discovery Orders					
4888	Email from D. Greenberg to J. Hartless (1/18/19)	FESM007653 - FESM007662	48.025; 48.035; MIL; Court's Discovery Orders					
4889	Email from J. Hartless to D. Greenberg (1/18/19)	FESM007665 - FESM007674	48.025; 48.035; MIL; Court's Discovery Orders					
4890	Email from R. Harris to D. Greenberg, et al., Re: Health Plan of NV, SHL, SHO and FES Renegotiation (02/25/19)	FESM007792	48.025; 48.035; MIL; Court's Discovery Orders					
4891	Email from D. Greenberg to R. Harris (2/25/19)	FESM007793	48.025; 48.035; MIL; Court's Discovery Orders					
4892	Email from S. Scherr to R. Harris, et al., Re: Health Plan of NV, SHL, SHO, FES (02/25/19)	FESM007794 - FESM007795	48.025; 48.035; MIL; Court's Discovery Orders					
4893	Email from R. Harris to D. Greenberg, et al., Re: Health Plan of NV, SHL, SHO and FES Renegotiation (02/27/19)	FESM007808 - FESM007809	48.025; 48.035; MIL; Court's Discovery Orders					
4894	Email from R. Harris to D. Greenberg (3/1/19)	FESM007811	48.025; 48.035; MIL; Court's Discovery Orders					
4895	Email from D. Greenberg to J. Hartless (3/1/19)	FESM007850 - FESM007859	48.035; MIL					
4896	Email from K. Bristow to D. Greenberg (3/5/19)	FESM007865 - FESM007869	48.025; 48.035; MIL; Court's Discovery Orders					
4897	Email from D. Greenberg to K. Bristow (3/5/19), with attachments (03/05/19)	FESM007870 - FESM007876	48.025; 48.035; MIL; Court's Discovery Orders					
4898	Email from K. Bristow to D. Greenberg, et al., United study (03/07/19)	FESM007877	48.025; 52.015					
4899	United OON Pre vs Post Benchmark Analysis	FESM007878	48.035; 52.015					
4900	Email from D. Greenberg to J. Behm, et al., Re: HCA Las Vegas and Contracting (03/18/19)	FESM007892 - FESM007893						
4901	Email from J. Behm to D. Greenberg to S. Mandava, et al., Re: HCA Las Vegas and Contracting (03/18/19)	FESM007894 - FESM007896	48.035; MIL; Court's prior orders					
4902	Email from J. Behm to S. Myles, et al., Re: HCA Las Vegas and Contracting (03/18/19)	FESM007900 - FESM007902	48.035; MIL; Court's prior orders					
4903	Email from R. Frantz to D. Greenberg, et al., Re: HCA Las Vegas and contracting (03/20/19)	FESM007965 - FESM007967	48.025; 48.035; MIL; Court's Discovery Orders					
4904	Email from R. Frantz to L. Murphy, et al., RE: Las Vegas Term Notices (04/03/19)	FESM007994 - FESM007998	48.025; 48.035; MIL; Court's Discovery Orders					
4905	Email from J. Carman to P. Dearwolf, et al., RE: Las Vegas Term Notice (04/03/19)	FESM008004 - FESM008009	48.025; 48.035; MIL; Court's Discovery Orders					
4906	Email from D. Greenberg to K. Bristow, et al., Re: Las Vegas Term Notice (04/04/19)	FESM008088 - FESM008094	48.025; 48.035; MIL; Court's Discovery Orders					
4907	Email from K. Bristow to D. Wilbanks, et al., Re: Las Vegas Term Notices (04/04/19)	FESM008095 - FESM008103	48.025; 48.035; MIL; Court's Discovery Orders					
4908	Email from D. Greenberg to R. Harris, Re: UHC - HCA in Nevada (04/04/19)	FESM008108 - FESM008109	48.025; 48.035; MIL; Court's Discovery Orders					
4909	Email from D. Greenberg to K. Bristow (4/5/19)	FESM008122 - FESM008130	48.025; 48.035; MIL; Court's Discovery Orders					
4910	Letter from United Healthcare to Fremont Emergency Services Re: Executed Participation Agreement/Notice of Effective Date (12/19/14)	FESM008213 - FESM008243	48.025; 48.035; MIL; Court's Discovery Orders					
4911	Email from D. Greenberg to R. Harris (11/18/19)	FESM008627 - FESM008629	48.025; 48.035; MIL; Court's Discovery Orders					
4912	Email from David Greenberg to Kent Bristow, "NV," (11/19/19)	FESM008637 - FESM008638	48.025; 48.035; MIL; Court's Discovery Orders					
4913	Email from D. Greenberg to J. Behm, et al., Re: UHC and other managed care status for Las Vegas and CA markets (11/19/19)	FESM008639 - FESM008641	48.025; 48.035; MIL; Court's Discovery Orders					
4914	FairHealth (FESM008657).xlsx	FESM008657						
4915	Email from R. Harris to J. Bruno, et al., Re: Reimbursement Aliante FSED-NV (10/02/18)	FESM008809 - FESM008814	48.025; 52.015					
4916	Email from L. Murphy to R. Galvin, et al., RE: FWE Meeting on 4/18 (04/03/19)	FESM008898 - FESM008899	48.025; 48.035; MIL; Court's Discovery Orders					

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Exhibit	Exhibit Description	Bates Numbers	Objection	Stipulated	Offered	Date Offered	Admitted	Date Admitted
4917	Email from L. Murphy to B. Galvin, et al., RE: TeamHealth Meeting (04/15/19)	FESM008900 - FESM008921	48.025; 48.035; MIL; Court's Discovery Orders					
4918	Email from L. Murphy to M. Wirechart, et al., Re: UHG meeting (04/18/19)	FESM008944 - FESM008947	48.025; 48.035; MIL; Court's Discovery Orders					
4919	TH-United Contribution and Comparison Report	FESM008947	48.025; 48.035; MIL; Court's Discovery Orders					
4920	Email from L. Murphy to N. Simpkins, RE: UHG Meeting (04/18/19)	FESM008948 - FESM008950	48.025; 48.035; MIL; Court's Discovery Orders					
4921	Email from K. Bristow to P. Bevilacqua, et al., Re: Updated Benefits Science Data on United Claims for TH (06/14/19)	FESM008968 - FESM008971	48.025; 52.015					
4922	Email from K. Bristow to A. Niernan, et al., Re: Counter Proposal (10/25/19)	FESM008989 - FESM009000	48.025; 48.035; MIL; Court's Discovery Orders					
4923	Email from L. Murphy to N. Simpkins (11/1/19), with attachments (11/01/19)	FESM009015 - FESM009018	48.025; 48.035; MIL; Court's Discovery Orders					
4924	Email from C. Schmitz to P. Dearolf, et al., Re: Member Balance Billing (01/29/20)	FESM009057 - FESM009060	48.025; 48.035					
4925	Spreadsheet	FESM009061	48.025; 48.035					
4926	Email from L. Murphy to D. Wichmann, et al. (3/13/20)	FESM009074 - FESM009075	48.025; 48.035; MIL; Court's Discovery Orders					
4927	Multiplan Q3 2020 and Business Update (11/12/20)	FESM009176 - FESM009225						
4928	WITHDRAWN							
4929	WITHDRAWN							
4930	WITHDRAWN							
4931	Sierra Health and Life Billing Statement (10/31/19)	FESM009376	52.015					
4932	UHC Provider Remittance Advice (01/14/20)	FESM009390	52.015					
4933	UHC Provider Remittance Advice - Angelo Bega (01/14/20)	FESM009391	52.015					
4934	MultiPlan Agreements	FESM009401 - FESM009621	48.025; 48.035; MIL; Court's Discovery Orders					
4935	Spreadsheet, Team Health ED Negotiations (MSJ Ex. 58)	FESM009464	48.035					
4936	Email from M. Snowden to L. Murphy (10/1/17)	FESM009789 - FESM009790	48.025; 48.035; MIL; Court's Discovery Orders					
4937	Email from M. Snowden to K. Bristow, Re: UHG Reconnection & Strategic Decision (10/23/17)	FESM009866 - FESM009869	48.025; 48.035; MIL; Court's Discovery Orders					
4938	Email from K. Bristow to M. Snowden, et al., Re: Rough Outline of United Meeting agenda Thoughts (12/15/17)	FESM010313 - FESM010314						
4939	Email from D. Rosenthal to M. Snowden, et al. (12/15/17)	FESM010317 - FESM010318						
4940	Email from M. Snowden to L. Murphy, et al. (12/22/17)	FESM010326	48.025; 48.035; MIL; Court's Discovery Orders					
4941	Email from L. Murphy to K. Bristow, et al., Re: Major Payer Disputes Update (10/30/17)	FESM010333 - FESM010334	48.025; 48.035; MIL; Court's Discovery Orders					
4942	Email from L. Laurence to J. Carman Re: Revenue Cycle Material (09/24/18)	FESM011849 - FESM011862	48.025; 48.035; MIL; Court's Discovery Orders					
4943	Email from D. Greenberg to K. Bristow (12/27/18)	FESM012974 - FESM012975	48.025; 48.035; MIL					
4944	Email from D. Greenberg to K. Bristow (12/28/18)	FESM012976 - FESM012977	48.025; 48.035; MIL					
4945	Email from D. Greenberg to K. Bristow (1/2/19)	FESM012990 - FESM013001	48.025; 48.035; MIL					
4946	Email from D. Greenberg to K. Bristow (1/11/19)	FESM013030 - FESM013031	48.025; 48.035; MIL					
4947	Email from K. Jonas to R. Harris, et al. (9/18/17)	FESM013480 - FESM013482	48.025; 48.035; MIL; Court's Discovery Orders					
4948	Email from K. Bristow to D. Greenberg, et al., Re: UHC ed for ruby crest (03/05/19)	FESM013480 - FESM013482 FESM013483	48.025; 48.035; MIL					
4949	Email from L. Murphy to J. Lavery, re: Las Vegas Term Notice (04/04/19)	FESM013567 - FESM013568	48.025; 48.035; MIL; Court's Discovery Orders					
4950	Email from J. Heuberger to D. Greenberg, et al., RE WG Contracting Portolio 2018 (04/11/19)	FESM013717 - FESM013718	48.025; 48.035; MIL; Court's Discovery Orders					
4951	Email from J. Heuberger to D. Greenberg (6/18/19), with attachment (06/18/19)	FESM014801 - FESM014811	48.025; 48.035; MIL; Court's Discovery Orders					
4952	Email from B. Singleton to K. Bristow, Re: Follow Up Regarding Workers Compensation (07/08/19)	FESM014994 - FESM014999	48.025; 52.015					
4953	Email from J. Heuberger to K. Bristow (6/16/19), with attachment (06/16/19)	FESM015187 - FESM015188						
4954	Email from J. Carman to J. Kirby (7/18/19), with attachment (07/18/19)	FESM015398 - FESM015401	48.025; 48.035; MIL; Court's Discovery Orders					
4955	Email from L. Murphy to N. Simpkins (7/22/19), with attachment (07/22/19)	FESM015527 - FESM015544	48.025; 48.035; MIL; Court's Discovery Orders					
4956	Email from K. Bristow to D. Greenberg, Re: HCA Las Vegas - Health plan contracting update (07/31/19)	FESM015574 - FESM015575	48.025; 48.035; MIL; Court's Discovery Orders					
4957	Email from K. Bristow to L. Murphy, et al., Re: HCA Vagas health plan contracting discussion follow up (08/02/19)	FESM015606 - FESM015608	48.025; 48.035; MIL; Court's Discovery Orders					
4958	Email from J. Shrader to P. Bevilacqua, et al. (10/7/19)	FESM016084 - FESM016085	48.025; 48.035; MIL					
4959	Email from R. Harris to D. Greenberg (10/14/19)	FESM016202 - FESM016206	48.025; 48.035; MIL; Court's Discovery Orders					
4960	Email from K. Bristow to J. Carman, et al. (10/23/19), with attachments (10/23/19)	FESM016224 - FESM016226	48.025; 48.035; MIL					

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Exhibit	Exhibit Description	Bates Numbers	Objection	Stipulated	Offered	Date Offered	Admitted	Date Admitted
4961	Email from J. Shrader to P. OConner, et al., Re: TeamHealth post payment and portal access status (11/22/19)	FESM017472 - FESM017475	48.025; 48.035; MIL					
4962	Email from J. Lavery to L. Murphy, et al., Re: Sierra - Las Vegas (12/12/19)	FESM017639 - FESM017640	48.025; 48.035; MIL; Court's Discovery Orders					
4963	Email from L. Murphy to K. Bristow, et al. (12/13/19)	FESM017641 - FESM017646	48.025; 48.035; MIL; Court's Discovery Orders					
4964	TeamHealth Presentation	FESM019327 - FESM019343	48.025; 48.035; MIL; Court's Discovery Orders					
4965	Draft Rate and Terms Proposal to UHG for July 19th	FESM020307	48.025; 48.035; MIL; Court's Discovery Orders					
4966	TeamHealth Presentation, TeamHealth Scope of Services Provided to UnitedHealthcare Commercial Members	FESM020776 - FESM020777	48.025; 48.035; MIL; Court's Prior Orders					
4967	TeamHealth Plaintiffs' TIN Information	FESM020803	48.025; 52.015; 48.035					
4968	Reconciliation of UHC Allowable Spend 2018 and YTD 2019	FESM020806	48.025; 52.015					
4969	Fee Schedule for Team Physicians of Nevada, 2013 to 2017	FESM020885	48.035					
4970	Fee Schedule for Ruby Crest, 2015 to 2017	FESM020886	48.035					
4971	Fee Schedule for Fremont, 2016 to 2017	FESM020887	48.035					
4972	Chargemaster Spreadsheet (Unspecified date and entity)	FESM020888	48.035					
4973	Email from J. Shrader to K. Bristow (10/18/19), with attachment (10/18/19)	FESM020890 - FESM020908	48.025; 48.035; MIL					
4974	Exemplar Claim Inventory	FESM020907	48.035					
4975	DIS Exemplar Claim Inventory	FESM020908	48.025; 52.015					
4976	Allowed in Full Claims Spreadsheet, Version 4	FESM020909	48.035					
4977	Wrap Claims Spreadsheet, Version 4	FESM020910	48.035					
4978	Disputed Claims Spreadsheet, Version 4	FESM020911	48.035					
4979	Disputed Claims for Reconsideration/Appeal (07/02/19)	FESM020912 - FESM020930						
4980	Out-of-Network Claims for Plaintiff TINs, January 2015 to June 2017	FESM020931	48.025; 48.035					
4981	TeamHealth correspondence regarding Data iSight	FESM020972 - FESM020973						
4982	TeamHealth correspondence regarding Data iSight	FESM020974 - FESM020976						
4983	TeamHealth correspondence regarding Data iSight	FESM020991 - FESM020992						
4984	TeamHealth correspondence regarding Data iSight	FESM020994 - FESM020996	48.025; 48.035; MIL					
4985	TeamHealth correspondence regarding Data iSight	FESM020998 - FESM021002	48.025; 48.035					
4986	TeamHealth correspondence regarding Data iSight	FESM021003 - FESM021007	48.025; 48.035					
4987	TeamHealth correspondence regarding Data iSight	FESM021014 - FESM021017	48.025; 48.035					
4988	TeamHealth correspondence regarding Data iSight	FESM021025 - FESM021026						
4989	Email from R. Harris to K. Bristow, et al. (7/20/18)	FESM-U-003447 - FESM-U-003448	48.025; 48.035; MIL; Court's Discovery Orders					
4990	Email from R. Harris to M. Kline (11/8/17)	FESM-U-003686 - FESM-U-003687	48.025; 48.035; MIL; Court's Discovery Orders					
4991	Email from T. Brewer to K. Bristow (2/16/18)	FESM-U-003791 - FESM-U-003792	48.025; 48.035; MIL; Court's Discovery Orders					
4992	Email from K. Bristow to R. Harris (3/27/18)	FESM-U-003803 - FESM-U-003804	48.025; 48.035; MIL; Court's Discovery Orders					
4993	Email from R. Harris to D. Greenberg (3/18/19)	FESM-U-003827 - FESM-U-003830	48.025; 48.035; MIL; Court's Discovery Orders					
4994	Email from D. Greenberg to R. Harris (1/15/19)	FESM-U-007559	48.025; 48.035; MIL; Court's Discovery Orders					
4995	Administrative Services Agreement between United HealthCare Insurance and Peter Kiewit Sons (1/1/03)	KBG Fremont v. UHC-Subpoena 000001 - KBG Fremont v. UHC-Subpoena 000163	48.025; 48.035; MIL; Court's Discovery Orders					
4996	MultiPlan Project Initiation Request (08/13/19)	MIP003622 - MIP003625						
4997	MultiPlan 2017 Client Advisory Board Meeting Attendee List	MPI000145 - MPI000146						
4998	MultiPlan 2018 Client Advisory Board Meeting Attendee List	MPI000249 - MPI000250						
4999	MultiPlan 2019 Client Advisory Board Meeting Attendee List	MPI000312						
5000	2019 Client Advisory Board Meeting Overcoming Obstacles (01/01/19)	MPI000313 - MPI000330						
5001	Email from Mark Edwards to R. Paradise, Re Data iSight methodology for professional claims (12/18/18)	MPI000373	48.025; 52.015					
5002	UHC ASO DIS Appeals by Monthly Summary 2017-02 (03/01/17)	MPI000387 - MPI000397	48.025; 48.035; MIL; Court's Discovery Orders					
5003	UHC DIS ASO Specialty Report	MPI000398 - MPI000409	48.025; 48.035; MIL; Court's Discovery Orders					
5004	UHC DIS ASO State Report (01/01/17)	MPI000410 - MPI000421	48.025; 48.035; MIL; Court's Discovery Orders					
5005	DIS Top HCFA Appeals Providers (05/01/17)	MPI000422 - MPI000432	48.025; 48.035; MIL; Court's Discovery Orders					

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Exhibit	Exhibit Description	Bates Numbers	Objection	Stipulated	Offered	Date Offered	Admitted	Date Admitted
5006	UHC ASO DIS Appeals (01/01/18)	MPI000433 - MPI000445	48.025; 48.035; MIL; Court's Discovery Orders					
5007	UHC ASO - DIS Status State Report (01/31/18)	MPI000446 - MPI000457	48.025; 48.035; MIL; Court's Discovery Orders					
5008	UHC ASO-DIS Specialty Report (01/01/18)	MPI000458 - MPI000469	48.025; 48.035; MIL; Court's Discovery Orders					
5009	UHC ASO - DIS State Report (01/01/18)	MPI000470 - MPI000481	48.025; 48.035; MIL; Court's Discovery Orders					
5010	UHC ASO - DIS Top Appeal Providers (01/01/18)	MPI000482 - MPI000493	48.025; 48.035; MIL; Court's Discovery Orders					
5011	UHC ASO - DIS Appeals by Month Summary-2019 (12/31/19)	MPI000494 - MPI000506	48.025; 48.035; MIL; Court's Discovery Orders					
5012	UHC ASO - DIS Situs State Report 2019-01	MPI000507 - MPI000518	48.025; 48.035; MIL; Court's Discovery Orders					
5013	UHC ASO - DIS Specialty Report (01/01/19)	MPI000519 - MPI000530	48.025; 48.035; MIL; Court's Discovery Orders					
5014	UHC ASO - DIS State Report (01/01/19)	MPI000531 - MPI000541	48.025; 48.035; MIL; Court's Discovery Orders					
5015	UHC ASO - DIS Top Appeal Providers 2019-01	MPI000542 - MPI000553	48.025; 48.035; MIL; Court's Discovery Orders					
5016	UHC ASO-DIS Appeals by Month Summary 2020-01	MPI000554 - MPI000569	48.025; 48.035; MIL; Court's Discovery Orders					
5017	Email from J. Kienzle to B. Paradise, Re: TeamHealth (06/21/19)	MPI000621 - MPI000622						
5018	Utilization Report	MPI000708	48.035					
5019	Email from J. Kienzle to S. Peterson, et al.	MPI000730 - MPI000731						
5020	WITHDRAWN							
5021	Email from E. Johnson to K. Kilgore, et al., RE Weekly Recurring UHC OPR Target Pricing Status Meeting (06/05/18)	MPI001064 - MPI001065						
5022	Email from E. Johnson to J. Kienzle, et al., Re: Team Health (10/18/17)	MPI001592 - MPI001598						
5023	Chart	MPI001709						
5024	Data iSight Benefit Plan Language and EOB Requirements	MPI001897						
5025	Draft - UHC 19-12: UNITEDHEALTHCARE HOSPITAL BASED PROVIDERS (HBP) THRESHOLD CHANGE (01/23/20)	MPI003656 - MPI003674						
5026	WITHDRAWN							
5027	Email from M. Armstrong to E. Cheung, et al., Re: DiS Claim Correction - Product Overview (09/17/20)	MPI003703 - MPI003709						
5028	Email from S. Bajjal to J. Kienzle, et al., Re: BMP and OPR Target Pricing Report (09/10/20)	MPI003710						
5029	9/10/21 Email Attachment (09/10/20)	MPI003712						
5030	9/10/21 Email Attachment (09/10/20)	MPI003713						
5031	9/10/21 Email Attachment (09/10/20)	MPI003714						
5032	9/10/21 Email Attachment (09/10/20)	MPI003715						
5033	Email from S. Crandell to M. Edwards, et al., Re: UHC - HCE Weekly Review (01/04/21)	MPI003730 - MPI003732	48.025					
5034	Email Attachment- Spreadsheet (01/04/21)	MPI003733	48.025					
5035	Email from J. Kienzle to S. Crandell RE: 2019 Team Health Review (10/11/19)	MPI003806	48.025					
5036	Email Attachment- Spreadsheet (10/11/19)	MPI003807	48.025					
5037	Email from J. Kienzle to S. Crandell RE: 2019 Team Health Review (12/05/19)	MPI003808	48.025					
5038	Email Attachment- Spreadsheet (12/05/19)	MPI003809	48.025					
5039	Email from J. Kienzle S. Crandell, et al., Re: latest update (01/29/20)	MPI003821 - MPI003839						
5040	Email from J. Kienzle to B. Geraci, et al., RE: Catalog Task TASK0368142 (07/28/20)	MPI003856 - MPI003857						
5041	Email from J. Kienzle to B. Geraci, et al., RE: Catalog Task TASK0368142 (07/28/20)	MPI003867 - MPI003869						
5042	Email from J. Kienzle to S. Crandell RE: Request from John (10/01/18)	MPI003871 - MPI003902						
5043	Email from J. Kienzle to S. Crandell RE: United Team Health Summary - Jan 2019 (02/16/19)	MPI003940	48.025; 52.015					
5044	Email Attachment- Spreadsheet (02/16/19)	MPI003941	48.025; 52.015					
5045	Email from J. Kienzle to M. McEtrick RE Q\$ teamhealth UHC volume (02/01/19)	MPI003942 - MPI003959	48.025; 52.015					
5046	WITHDRAWN							
5047	WITHDRAWN							
5048	Email from M. Edwards to S. Crandell RE TeamHealth Tax IDS Update (12/17/19)	MPI004060 - MPI004084	48.025; 48.035; 52.015; MIL; Court's Prior Orders					
5049	Email Attachment- Spreadsheet (12/17/19)	MPI004085	48.025; 48.035; 52.015; MIL; Court's Prior Orders					
5050	Email from D. Ferguson to C. Hamel, et al., RE TeamHealth TINs (08/01/19)	MPI004087	48.025; 48.035; 52.015; MIL; Court's Prior Orders					
5051	Email Attachment- Spreadsheet (08/01/19)	MPI004089	48.025; 48.035; 52.015; MIL; Court's Prior Orders					
5052	WITHDRAWN							
5053	WITHDRAWN							
5054	Email from S. Crandell to M. Edwards, et al., RE: TeamHealth Utilization after 10/15 (12/20/19)	MPI004143 - MPI004144	48.025; 48.035; 52.015; MIL; Court's Prior Orders					
5055	Email Attachment- Spreadsheet (12/20/19)	MPI004145	48.025; 48.035; 52.015; MIL; Court's Prior Orders					

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Exhibit	Exhibit Description	Bates Numbers	Objection	Stipulated	Offered	Date Offered	Admitted	Date Admitted
5056	Email from J. Kienzle to S. Crandell, et al., RE: UHC /MPI TH Negotiation Ceiling (09/13/19)	MPI004277 - MPI004284	48.025; 48.035; 52.015; MIL; Court's Prior Orders					
5057	Email from L. Lord to M. Armstrong, et al., Re: Roadmap and Agenda for the monthly Project and Priority call (09/12/19)	MPI004286						
5058	Email from M. Armstrong to L. Loyd, et al., Re: Roadmap and agenda for the monthly Project Priority Call (11/07/19)	MPI004290						
5059	Email from M. Edwards to J. Kienzle , et al., RE 2020 Budget - United Team Outstanding Items (10/23/19)	MPI004294 - MPI004296	48.025; 52.015					
5060	Email Attachment - Spreadsheet	MPI004297	48.025; 52.015					
5061	Email from S. Crandell to J. Kienzle, et al., RE This Week (11/04/19)	MPI004298 - MPI004299	48.025; 52.015					
5062	Email Attachment- Spreadsheet (11/04/19)	MPI004300	48.025; 52.015					
5063	Email from S. Mohler to D. White, et al., Re United Documents (05/02/19)	MPI004592	48.025; 52.015					
5064	WITHDRAWN							
5065	Email from J. Kienzle to S. Crandell , et al., RE DIP Pricing - Geographical Adjustments (01/18/21)	MPI004658						
5066	Email from M. Schill to MRA_MCN Management, et al., Q1 2021 CMS & DIP Rate update (01/07/21)	MPI004659	48.025; 48.035; 52.015					
5067	Email from M. Schill to S. Crandell, et al., RE DIP Pricing Geographical Adjustment (01/18/21)	MPI004660						
5068	Email from K. Desrosiers to B. Singleton, et al., RE: 2021 Physician Fee Schedule CF Drop (01/06/21)	MPI004663 - MPI004664	48.025; 48.035; 52.015					
5069	Email from P. Fales to J. Kienzle et. al, Re: United Projects (10/15/18)	MPI004679 - MPI004685						
5070	Email from P. Walker to S. Mohler Re: Data iSight Methodology Update, Message for Clients (02/06/21)	MPI004707						
5071	Email from S. Bajjaly to J. Kienzle, et al., Re: United Team Health Request (06/10/19)	MPI004926						
5072	Email Attachment- Spreadsheet (06/10/19)	MPI004927	48.025; 52.015					
5073	Email from S. Bajjaly to J. Kienzle, et al., Re: United Team Health Request (06/10/19)	MPI004938 - MPI004939						
5074	Email from S. Crandell to J. Lopez , et al., RE: TeamHealth (02/01/19)	MPI004954	48.025; 48.035; 52.015; MIL; Court's Prior Orders					
5075	Email from S. Crandell to J. Lopez Re: TeamHealth - UHC (02/01/19)	MPI004955	48.025; 52.015					
5076	Email from S. Crandell to J. Kienzle, Re: Q4 team Health UHC Volume (02/01/19)	MPI005009	48.025; 52.015					
5077	Email from J. Lopez to S. Crandell RE: team health uhc (02/01/19)	MPI005026 - MPI005033	48.025; 52.015					
5078	Email from S. Crandell to J. Kienzle, RE: United Team Health Summary (02/15/19)	MPI005086 - MPI005087						
5079	Email from B. Singleton to S. Crandell, et al., Re Evaluation of United Packaging (03/05/19)	MPI005100 - MPI005101	48.025					
5080	Email from S. Crandell to M. McEttrick, et al., RE Data iSight TeamHealth (07/10/19)	MPI005111 - MPI005112						
5081	Email from S. Crandell to D. White Re: Internal Team Health (07/10/19)	MPI005113	48.025; 52.015					
5082	Email from M. McEttrick to S. Crandell Re Data iSight/Team Health (07/10/19)	MPI005116 - MPI005118						
5083	Email from S. Crandell to J. Kienzle, et al., Re: UHC/MPI TH Negotiation Ceiling (09/16/19)	MPI005166 - MPI005167	48.025; 52.015					
5084	Email from M. Schill to M. Edwards, et al., RE United BMP w/no Medicare Value (10/14/19)	MPI005184 - MPI005186	48.025; 52.015					
5085	Email from S. Mohle to J. Kienzle, et al., RE: United Deck (10/26/19)	MPI005209						
5086	Email from M. Edwards to S. Crandell Re: 2020 Budget United Team Outstanding Items (10/23/19)	MPI005228 - MPI005229	48.025; 48.035; 52.015					
5087	Email from S. Mohler to S. Crandell, Re: please review slides 6-7 (11/06/19)	MPI005322 - MPI005339						
5088	Email from M. Edwards to S. Crandell RE: Canxceled United Benefit Appeals Parameters Follow-up (08/13/19)	MPI005375	48.025; 52.015					
5089	Email from J. Kienzle to S. Crandell, et al., Re: Facility R&C Percentile Project Items (04/03/10)	MPI005387 - MPI005389	MIL					
5090	Email from J. Kienzle to M. McEttrick, et al., Data iSight OP Cap at 400% CMS (12/05/17)	MPI005446 - MPI005447						
5091	Email from J. Kienzle to S. Crandell, et al., Re: UHC Analysis and Near Term Ideas (09/09/18)	MPI005490						
5092	Email Attachment (09/09/18)	MPI005491						
5093	Email from J. Kienzle to B. Singleton, et al., Re: Team Health MASTER TIN LIST (12/11/18)	MPI005509	48.025; 48.035; 52.015; MIL					
5094	Email from S. Crandell to J. Kienzle Re Team Health (12/10/18)	MPI005563 - MPI005564	48.025; 48.035; 52.015; MIL					
5095	Email from S. Bajjaly to S. Crandell, et al., Re: 2 new United Requests from Mark Edwards (02/15/21)	MPI005876 - MPI005877						
5096	Email from B. Singleton to S. Crandell, RE Team Health Request (09/06/18)	MPI006065 - MPI006069	48.025; 48.035; 52.015					
5097	Email from S. Crandell to M. Mujica, et al., Re: Team Health TIN list (12/22/20)	MPI006097						
5098	Email Attachment (12/22/20)	MPI006098	48.025					
5099	Email from P. Walker to S. Crandell, et al., Re: Data iSight Physician Data Source Impacts (12/15/20)	MPI006102						

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Exhibit	Exhibit Description	Bates Numbers	Objection	Stipulated	Offered	Date Offered	Admitted	Date Admitted
5100	Email from J. Kienzle to S. Crandell, et al., Re: Team Health (06/13/19)	MPI006445 - MPI006448						
5101	Email from B. Geraci to S. Crandell, Re: Team Health - Privileged and Confidential (10/01/19)	MPI006563 - MPI006567						
5102	Email from S. Mohler to T. Ralston Re: Data iSight Methodology Exceptions (07/02/18)	MPI006598 - MPI006600						
5103	MultiPlan Spreadsheet	MPI024365						
5104	Administrative Records for TeamHealth Plaintiffs' Claims	UNITED-DEF-0000327 - UNITED-DEF-0000906	48.025; 48.035; 52.015; MIL; Court's Prior Orders					
5105	Analyses for Nevada Emergency Groups*	UNITED-DEF-0001259 - UNITED-DEF-0001260	48.025; 52.015					
5106	Amendment No. 18 to the Master Services Agreement made by and between United HealthCare Services, Inc. and Sprint/United Management Company (01/01/20)	UNITED-DEF-0003478 - UNITED-DEF-0003500	48.025; 48.035; 52.015; MIL; Court's Prior Orders					
5107	WITHDRAWN							
5108	WITHDRAWN							
5109	WITHDRAWN							
5110	WITHDRAWN							
5111	WITHDRAWN							
5112	WITHDRAWN							
5113	WITHDRAWN							
5114	WITHDRAWN							
5115	WITHDRAWN							
5116	Administrative services agreements* (01/01/07)	UNITED-DEF-0003567 - UNITED-DEF-0003862	48.025; 48.035; 52.015; MIL; Court's Prior Orders					
5117	WITHDRAWN							
5118	Administrative services agreements*	UNITED-DEF-0004004 - UNITED-DEF-0004041	48.025; 48.035; 52.015; MIL; Court's Prior Orders					
5119	Master Services Agreement (01/01/08)	UNITED-DEF-0003420 - UNITED-DEF-0003477	48.025; 48.035; MIL; Court's Discovery Orders					
5120	Administrative Services Agreement between UnitedHealthCare Services and Wal-Mart Stores (1/1/13)	WM000002 - WM000122	48.025; 48.035; 52.015; MIL; Court's Prior Orders					
5121	Forbes Article: UnitedHealth Plays Hardball as Pay Shifts to value (09/25/18)		51.065					
5122	Employers Cut Health Plan Costs with Reference-Based Pricing (05/17/19)		51.065					
5123	Counties Included in 2020 Localities, Listed Alphabetically by State and Locality Name within State (01/01/20)		48.025; 48.035; 52.015					
5124	How to Use the MPFS Look-Up Tool (03/01/21)		51.065; 48.025					
5125	"What is TeamHealth?" webpage (05/05/21)							
5126	TeamHealth Corporate Webpage - TeamHealth Physician Services (05/05/21)							
5127	TeamHealth webpage - "Why we're different" (05/05/21)							
5128	TeamHealth webpage - TeamHealth Leadership - Meet our Executive and Physician Leaders (05/05/21)							
5129	"Nevada Health Insurance Marketplace: History and News of the State's Exchange," (05/20/21)		51.065; 48.025; 48.035					
5130	First Amended Complaint (5/20)		51.065; 41.035					
5131	Second Amended Complaint		51.065; 41.035					
5132	Declaration of Jolene Bradley in Support of Defendants' Motion for Partial Summary Judgment (MSJ Ex. 11)		51.065; 52.015; 48.025					
5133	Declaration of Kevin Ericson in Support of Defendants' Motion for Partial Summary Judgment (MSJ Ex.22)		51.065; 52.015; 48.025					
5134	Declaration of Leslie Hare in Support of Defendants' Motion for Partial Summary Judgment (MSJ Ex.23)		51.065; 52.015; 48.025					
5135	Declaration of Bruce Deal in Support of Defendants' Motion for Partial Summary Judgment (MSJ Ex. 39)		51.065; 52.015; 48.025					
5136	Defendants' Motion for Summary Judgment, ACS Primary Care Physicians Southwest, PA v. Molina Healthcare, Inc. ("Molina"), dated Jan. 10, 2020 (MSJ Ex. 44)		51.065; 52.015; 48.025					
5137	Order, ACS Primary Care Physicians Southwest, PA v. Molina Healthcare, Inc. ("Molina"), dated Apr. 15, 2020 (MSJ Ex. 45)		51.065; 52.015; 48.025					
5138	Brief in Support of Defendants' Motion to Dismiss, S.E. Emergency Physicians LLC v. Arkansas Health & Wellness Health Plan, Inc. ("Centene"), dated Aug. 31, 2017 (MSJ Ex. 46)		51.065; 52.015; 48.025					
5139	Order, S.E. Emergency Physicians LLC v. Arkansas Health & Wellness Health Plan, Inc. ("Centene"), dated Jan. 30, 2018 (MSJ Ex. 47)		51.065; 52.015; 48.025					
5140	Claims Spreadsheet (FESM020911 - UHC NV ED 2104) (MSJ Ex. 55)		48.025; MIL					
5141	Claims Spreadsheet (FESM020911-Final List of Claims) (MSJ Ex. 56)		48.025; MIL					
5142	Disputed Claims Spreadsheet (08_24_Disputed_Claims) (MSJ Ex. 57)		48.025; MIL					
5143	Order Denying Mot. to Compel Discovery re: Pls.' Internal Cost Structure, Gulf-to-Bay Anesthesiology Associates, LLC v. UnitedHealthCare of Florida, Inc., No. 17-CA-011207 (Fla. 13th Jud. Cir. Ct. Dec. 1, 2020) (Ex. 1 to Defendants' MIL No. 7)		51.065; 52.015; 48.025					

Exhibit	Exhibit Description	Bates Numbers	Objection	Stipulated	Offered	Date Offered	Admitted	Date Admitted
5144	Am. Compl., Gulf-to-Bay Anesthesiology Associates, LLC v. UnitedHealthCare of Florida, Inc., No. 17-CA-011207 (Fla. 13th Jud. Cir. Ct. 2020) (Ex. 2 to Defendants' MIL No. 7)		51.065; 52.015; 48.025					
5145	Florida Emergency Physicians Kang & Ass., M.D., Inc. v. Sunshine State Health Plan, Inc., No. CACE19-013026, at 5 (Fla. 17th Jud. Cir. Ct. 2020) (Ex. 3 to Defendants' MIL No. 7)		51.065; 52.015; 48.025					
5146	Pretial Conf. Tr., ACS Primary Care Physicians Sw., PA and Emergency Servs. of Texas, PA v. Molina Healthcare, Inc. and Molina Healthcare of Texas Inc., No. 2017-77084 (113th Jud. Dist. Harris Cnty., Tex. June 4, 2021) (Ex. 1 to Defendants' MIL No. 20)		51.065; 52.015; 48.025					
5147	First Amended Compl., Atlantic ER Physicians Team Pediatric Assocs., P.A. v. UnitedHealth Group, Inc., No. 1:20-cv-20083-RMB-AMD (D.N.J.) (Ex. 5 to Defendants' MIL No. 26)		51.065; 52.015; 48.025					
5148	Compl., Emergency Physician Servs. of N.Y., v. UnitedHealth Group, Inc., No. 1:20-cv-09183 (S.D.N.Y.) (Ex. 6 to Defendants' MIL No. 26)		51.065; 52.015; 48.025					
5149	FES Objections and Answers to Defs' First ROG (07/29/19)		51.065; 52.015; 48.025					
5150	Fremont's Objections & Answers to Defendants' First Set of Interrogatories (7/29/19)		51.065; 52.015; 48.025					
5151	Fremont's Responses to Defendants' First Set of Admissions (7/29/19)		51.065; 52.015; 48.025					
5152	Fremont's Responses to Defendants' First Set of Requests for Production of Documents (7/29/19)		51.065; 52.015; 48.025					
5153	Plaintiffs' First Supplement to Responses to Defendants' First Set of Requests for Production of Documents (06/01/20)		51.065; 52.015; 48.025					
5154	Crum, Stefanko, and Jones, LYD., dba Ruby Crest Emergency's Answers to Defendants' First Set of Interrogatories (09/28/20)		51.065; 52.015; 48.025					
5155	Ruby Crest Emergency's Answers to Defendants' First Set of Interrogatories (09/28/20)		51.065; 52.015; 48.025					
5156	Plaintiffs' Answers to Defendants' Second Set of Interrogatories (09/28/20)		51.065; 52.015; 48.025					
5157	Team Physicians of Nevada-Mandavia, P.C.'s Answers to Defendants' First Set of Interrogatories (09/28/20)		51.065; 52.015; 48.025					
5158	Plaintiffs' Responses to Defendants' Second Set of Requests for Production of Documents (09/28/20)		51.065; 52.015; 48.025					
5159	Defendants' Third Supplemental Responses to the First Set of Interrogatories (11/20/20)		51.065; 52.015; 48.025					
5160	Plaintiffs' First Supplement to Responses to Defendants' Second Set of Requests for Production of Documents (11/21/20)		51.065; 52.015; 48.025					
5161	Plaintiffs' Second Supplement to Responses to Defendants' First Set of Requests for Production of Documents to Fremont (01/18/21)		51.065; 52.015; 48.025					
5162	Plaintiffs' Second Supplemental Responses to Defendants' Second Set of Requests for Production of Documents (01/18/21)		51.065; 52.015; 48.025					
5163	Plaintiffs' Third Supplement to Responses to Defendants' First Set of Requests for Production of Documents to Fremont (02/12/21)		51.065; 52.015; 48.025					
5164	Plaintiffs' Third Supplement to Responses to Defendants' Second Set of Requests for Production of Documents (02/12/21)		51.065; 52.015; 48.025					
5165	Plaintiffs' Fourth Supplement to Responses to Defendants' First Set of Requests for Production of Documents to Fremont (03/12/21)		51.065; 52.015; 48.025					
5166	Plaintiffs' Fourth Supplement to Responses to Defendants' Second Set of Requests for Production of Documents (03/12/21)		51.065; 52.015; 48.025					
5167	Plaintiffs' Fifth Supplement to Responses to Defendants' First Set of Requests for Production of Documents to Fremont (04/15/21)		51.065; 52.015; 48.025					
5168	Plaintiffs' Fifth Supplement to Responses to Defendants' Second Set of Requests for Production of Documents (04/15/21)		51.065; 52.015; 48.025					
5169	Crum, Stefanko, and Jones, LYD., dba Ruby Crest Emergency's Amended Answers to Defendants' First Set of Interrogatories (10/4/21)		51.065; 52.015; 48.025					
5170	Team Physicians of Nevada-Mandavia, P.C.'s Amended Answers to Defendants' First Set of Interrogatories (10/4/21)		51.065; 52.015; 48.025					
5171	Fremont Emergency Services (Mandavia), Ltd.'s Amended Answers to Defendants' First Set of Interrogatories (10/4/21)		51.065; 52.015; 48.025					
5172	Email from K. Birstow to L. Farmer, et al., Re Data iSight Response (04/22/20)		48.025					
5173	Email from B. Jolene to K. Timothy, et al., Re: TeamHealth Non-Par OH TINs (10/08/19)		48.025; 48.035					
5174	Entity Information for Ruby Crest		51.065; 52.015					
5175	Entity Information for Team Physicians of Nevada		51.065; 52.015					

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Exhibit	Exhibit Description	Bates Numbers	Objection	Stipulated	Offered	Date Offered	Admitted	Date Admitted
5176	Entity Information for Fremont		51.065; 52.015					
5177	Notes for Health Care Providers' Corporate Representative Deposition (05/14/21)		51.065; 48.035					
5178	Claims Incurred 3/1/2016 - 02/28/2017 - Fully Insured and ASC Excludes TX Navigate and All Compass except NY, NV and VA (09/06/17)		48.025; 48.035; MIL; 52.015					
5179	Title 29 (01/19/16)		51.065; 48.035					
5180	TeamHealth Acquires Ruby Crest Emergency Medicine (02/12/15)		51.065; 48.035; 48.025					
5181	Expert Report of Bruce Deal (07/30/21)		51.065; 52.015; 48.025					
5182	Expert Report of Karen King (07/30/21)		51.065; 52.015; 48.025					
5183	Expert Report of David Leathers (07/30/21)		51.065; 52.015; 48.025					
5184	Expert Report of Scott Phillips (07/30/21)		51.065; 52.015; 48.025					
5185	Rebuttal Expert Report of Bruce Deal (08/31/21)		51.065; 52.015; 48.025					
5186	Rebuttal Expert Report of Alex Mizenko (08/31/21)		51.065; 52.015; 48.025					
5187	Rebuttal Expert Report of Scott Phillips (08/31/21)		51.065; 52.015; 48.025					
5188	Supplemental Expert Report of David Leathers (09/09/21)		51.065; 52.015; 48.025					
5189	Rebuttal Expert Report of Bruce Deal to Dr. Joseph T. Crane (09/17/21)		51.065; 52.015; 48.025					
5190	Expert Report Work File of Bruce Deal (07/30/21)		51.065; 52.015; 48.025					
5191	WITHDRAWN							
5192	Expert Report Work File of David Leathers (07/30/21)		51.065; 52.015; 48.025					
5193	Expert Report Work File of Scott Phillips (07/30/21)		51.065; 52.015; 48.025					
5194	Rebuttal Expert Report Work File of Bruce Deal (08/31/21)		51.065; 52.015; 48.025					
5195	WITHDRAWN							
5196	Rebuttal Expert Report Work File of Scott Phillips (08/31/21)		51.065; 52.015; 48.025					
5197	Supplemental Expert Report Work File of David Leathers (09/09/21)		51.065; 52.015; 48.025					
5198	Expert Rebuttal Report Work File of Bruce Deal to Dr. Joseph T. Crane (09/17/21)		51.065; 52.015; 48.025					
5199	TeamHealth webpage - Kent Bristow Professional bio (05/05/21)		51.065; 52.015; 48.025					
5200	LinkedIn Profile - Jennifer Shrader		51.065; 52.015; 48.025					
5201	LinkedIn Profile - Rena Harris		51.065; 52.015; 48.025					
5202	Curriculum Vitae of Joseph T. Crane		51.065; 52.015; 48.025					
5203	Healthcare.gov UCR Definition Glossary Page (08/24/21)							
5204	Work papers for Leathers affirmative report		51.065; 52.015; 48.025					
5205	Flagged Claims - Claims at Issue with AM Flags		51.065; 52.015; 48.025					
5206	Draft-Damages Calc and Data iSight Flagged Database		51.065; 52.015; 48.025					
5207	Draft-Data iSight Claims Analysis		51.065; 52.015; 48.025					
5208	Draft-Employer Analysis		51.065; 52.015; 48.025					
5209	Draft-Facility CPT Summary of Other Payers		51.065; 52.015; 48.025					
5210	Draft-Sierra Claims Analysis		51.065; 52.015; 48.025					
5211	Dyckman, Z., and Hess, P., "Survey of Health Plans Concerning Physician Fees and Payment Methodology," Medicare Payment Advisory Commission, August, 2003 (08/01/03)		51.065; 52.015; 48.025					
5212	UnitedHealth Group and Oxford Health Plans Complete Merged (07/29/04)		51.065; 52.015; 48.025					
5213	Baicker, K. and Chandra, A., "The Labor Market Effects of Rising Health Insurance Premiums," Journal of Labor Economics 24(3), 2006 (01/01/06)		51.065; 52.015; 48.025					
5214	Business Wire, "UnitedHealth Group Completes Acquisition of Sierra Health Services," (02/25/08)		51.065; 52.015; 48.025					
5215	Dkt. 329 in Case No. 1:00-cv- 02800-LMM-GWG, The American Medical Association, et al. v. United HealthCare Corp., et al., (08/22/08)		51.065; 52.015; 48.025					
5216	Settlement Agreement among United Healthcare Corporation and Met Life, Oxford Health Plans (1/14/09)		51.065; 52.015; 48.025; 48.105					
5217	"Attorney General Cuomo Announces Historic Nationwide Reform Of Consumer Reimbursement System For Out-Of-Network Health Care Charges" , ag.ny.gov.com (10/27/09)		51.065; 52.015; 48.025					
5218	Berenson, R., Zuckerman, S., and Stockley, K., "What if All Physician Services Were Paid Under the Medicare Fee Schedule? An Analysis Using Medical Group Management Association Data," Urban Institute and MedPAC, (03/01/10)		51.065; 52.015; 48.025					
5219	Ginsburg, P., "Wide Variation in Hospital and Physician Payment Rates Evidence of Provider Market Power," Center for Studying Health System Change, Research Brief No. 16 (11/01/10)		51.065; 52.015; 48.025					
5220	Peter Kongstvedt, Essentials of Managed Health Care 144 (01/01/13)		51.065; 52.015; 48.025					
5221	Hsia, R. and Antwi, Y., "Variation in Charges for Emergency Department Visits across California," Annals of Emergency Medicine 64(2), 2014 (01/01/14)		51.065; 52.015; 48.025					
5222	Brown, E., "Irrational Hospital Pricing," Houston Journal of Health Law & Policy (01/01/14)		51.065; 52.015; 48.025					

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Exhibit	Exhibit Description	Bates Numbers	Objection	Stipulated	Offered	Date Offered	Admitted	Date Admitted
5223	Bai, G. and Anderson, G., "Extreme Markup: The Fifty US Hospitals with the Highest Charge-to-Cost Ratio," Health Affairs 34(6), (01/01/15)		51.065; 52.015; 48.025					
5224	PR Newswire, "TeamHealth Acquires Ruby Crest Emergency Medicine," (02/12/15)		51.065; 52.015; 48.025					
5225	Team Health Form 10-K, 2015 (12/31/15)		51.065; 52.015; 48.025; 48.035					
5226	Team Health Holdings, Inc. Form 10-Q for the quarterly period ended September 30, 2016 (09/30/16)		51.065; 52.015; 48.025; 48.035					
5227	American Hospital Association: Underpayment by Medicare and Medicaid Fact Sheet. December 2016, https://www.aonl.org/system/files/2018-02/2016-dec-medicaremedicaidunderpmt.pdf . (12/01/16)		51.065; 52.015; 48.025					
5228	Xu, T., et al., "Variation in Emergency Department vs Internal Medicine Excess Charges in the United States," JAMA Internal Medicine, 2017, 177(8): 1139-1145, (01/01/17)		51.065; 52.015; 48.025					
5229	Biener, A., and Selden, T., "Public and Private Payments for Physician Office Visits," Health Affairs 36, No. 12 (2017)		51.065; 52.015; 48.025					
5230	U.S. Department of the Treasury, U.S. Department of Labor, and U.S. Department of Health and Human Services, "Clarification of Final Rules for Grandfathered Plans, Preexisting Condition Exclusions, Lifetime and Annual Limits, Rescissions, Dependent Coverage, Appeals, and Patient Protections under the Affordable Care Act." (05/03/18)		51.065					
5231	Fox, W., and Pickering, J., "Hospital & Physician Cost Shift," Milliman (12/01/18)		51.065; 52.015; 48.025					
5232	Adler, L., Ginsburg, P. B., Hall, M., and E. Trish, "Analyzing the House E&C Committee's Bipartisan Surprise Out-Of-Network Billing Proposal," USCBrookings Schaeffer Initiative for Health Policy, May 14, 2019 (05/14/19)		51.065; 52.015; 48.025					
5233	SEC, "KKR Completes Acquisition of Envision Healthcare Corporation," (10/11/19)		51.065; 52.015; 48.025					
5234	Zhu, J., Hua, L., Polsky, D., "Private Equity Acquisitions of Physician Medical Groups Across Specialties, 2013-2016," JAMA 323(7):663-665 (01/01/20)		51.065; 52.015; 48.025					
5235	SELF-INSURED HEALTH BENEFIT PLANS 2020 Based on Filings through Statistical Year 2017 (02/20/20)		51.065; 52.015; 48.025					
5236	Bruch, J., Gondi, S., Song, Z., "Changes in Hospital Income, Use, and Quality Associated With Private Equity Acquisition," JAMA Internal Medicine 180 (08/24/20)		51.065; 52.015; 48.025					
5237	Health Insurance Coverage in the United States: 2019 (09/15/20)		51.065; 52.015; 48.025					
5238	2020 Employer Health Benefits Survey (10/08/20)		51.065; 52.015; 48.025					
5239	UnitedHealth Group Inc., Form 10-K (12/31/20)							
5240	HHS Announces Rule to Protect Consumers from Surprise Medical Bills (07/01/21)		51.065; 52.015; 48.025					
5241	08 24 Disputed Claims (08/24/21)		48.025; MIL; Duplicative					
5242	PR Newswire, "TeamHealth Acquires Three Emergency Department Medical Groups in Las Vegas, Nevada," (10/26/15)		51.065; 52.015; 48.025					
5243	Supplemental Analysis-20210909		51.065; 52.015; 48.025					
5244	Claims at Issue-Allowed Amt Comparisons-with FAIRHealth		51.065; 52.015; 48.025					
5245	DML Claims at Issue-Allowed Amt Comparisons		51.065; 52.015; 48.025					
5246	FAIR Health Glossary, "Usual and Customary Rate (UCR)," available at https://www.fairhealthconsumer.org/glossary		51.065; 52.015; 48.025					
5247	FAIR Health Glossary, "Allowed Amount," available at https://www.fairhealthconsumer.org/glossary		51.065; 52.015; 48.025					
5248	FAIR Health Consumer, "Types of Out-of-Network Reimbursement," available at https://www.fairhealthconsumer.org/insurance-basics/your-costs/types-of-out-of-network-reimbursement		51.065; 52.015; 48.025					
5249	FAIR Health Frequently Asked Questions, FAIR Health Frequently Asked Questions, https://www.feestimator.org/faq#:~:text=FAIR%20Health%20uses%20its%20database,their%20medical%20and%20dental%20expenditures		51.065; 52.015; 48.025					
5250	FAIR Health Glossary, "Balance Billing," available at https://www.fairhealthconsumer.org/glossary		51.065; 52.015; 48.025					
5251	Team Health - ED - Negotiations Completed All Times Chart		52.015; 48.025; 48.035; MIL; Court's Prior Orders					
5252	American College of Emergency Physicians, "Approach to Emergency Department Coding FAW		51.065; 52.015; 48.025					
5253	CMS MLN Matters, "Critical Care Visits and Neonatal Intensive Care (Codes 99291 - 99292)," No. MM5993, July 9, 2008, p. 2.		51.065; 52.015; 48.025					

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Exhibit	Exhibit Description	Bates Numbers	Objection	Stipulated	Offered	Date Offered	Admitted	Date Admitted
5254	Centers for Medicare & Medicaid Services, National Health Expenditure Data, 2018, Table 20.)		51.065; 52.015; 48.025					
5255	TeamHealth, "Completes Previously Announced Transaction with Blackstone,"		51.065; 52.015; 48.025					
5256	UHC, "About us,"							
5257	SEC, "Subsidiaries of the Company,"							
5258	"2020 UnitedHealthcare Care Provider Administrative Guide,"		48.025; 52.015					
5259	Norris, Louise, "Nevada Health Insurance Marketplace: History and News of the State's Exchange," May 20, 2021		51.065; 52.015; 48.025					
5260	Welcome to Sierra Health-Care Options							
5261	"UMR: A third-party administrator (TPA) delivering solutions for self-funded companies		51.065					
5262	Universal Health Services: About Us		51.065					
5263	Medicare Program - General Information		51.065; 52.015; 48.025					
5264	NHE Fact Sheet		51.065; 52.015; 48.025					
5265	Centers for Medicare & Medicaid Services, "How to Use the MPFS Look-Up Tool Booklet,		51.065; 52.015; 48.025					
5266	AAPC, "Work RVU Calculator (Relative Value Units)		51.065; 52.015; 48.025					
5267	American Medical Association, "History of Medicare Conversion Factors,		51.065; 52.015; 48.025					
5268	Medicare Payment Advisory Commission, "Report to the Congress: Medicare Payment Policy," March 2017, pp. 43-44, 99		51.065; 52.015; 48.025					
5269	Medicare 2019 National Physician Fee Schedule Relative Value File October Release		51.065; 52.015; 48.025					
5270	American Medical Association, "RBRVS Overview,"		51.065; 52.015; 48.025					
5271	Composition of the RVS Update Committee (RUC), available at https://www.ama-assn.org/about/rvs-update-committee-ruc/composition-rvs-update-committee-		51.065; 52.015; 48.025					
5272	Pelech, D., "An Analysis of Private-Sector Prices for Physicians' Services," Congressional Budget Office, Working Paper Series, 2018-01, January 2018, pp. 2, 12; Ginsberg, P., "Wide Variation in Hospital and Physician Payment Rates Evidence of Provider Market Power," Center for Studying Health System Change, Research Brief No. 16, November 2010		51.065; 52.015; 48.025					
5273	Adler, L., Fiedler, M., Ginsburg, P., Hall, M., Trish, E., Linke Young, C., and Duffy, E., "State Approaches to Mitigating Surprise Out-of-Network Billing," USC-Brookings Schaeffer Initiative for Health Policy, February 2019, pp. 20-22.		51.065; 52.015; 48.025					
5274	Notes for Health Care Providers Corporate Representative Deposition [ex. 2 bristow]		51.065; 52.015; 48.025; 48.035					
5275	Organization for Economic Co-operation and Development (OECD), "Health Spending"		51.065; 52.015; 48.025					
5276	Kaye, D. and Freedman, D., "Reference Guide on Statistics," Reference Manual on Scientific Evidence, Third Edition, 2011: 211-302 at p. 238		51.065; 52.015; 48.025					
5277	AERD Statistics, "Measures of Central Tendency,"		51.065; 52.015; 48.025					
5278	Hospital Referral Regions		51.065; 52.015; 48.025					
5279	Dartmouth Atlas Project, "General FAQ,"		51.065; 52.015; 48.025					
5280	U.S. Department of Housing and Urban Development, "Zip Code Population Weighted Centroids,"		51.065; 52.015; 48.025					
5281	FAIR Health, "Geozips Benchmark Modules,"		51.065; 52.015; 48.025					
5282	HCA - Locations U.S. Nevada		51.065; 52.015; 48.025					
5283	Report to the Congress: Medicare Payment Policy," Medicare Payment Advisory Commission, March 2020		51.065; 52.015; 48.025					
5284	Trish, E., Ginsburg, P., Gascue, L., and Joyce, G., "Physician Reimbursement in Medicare Advantage Compared with Traditional Medicare and Commercial Health Insurance," JAMA Internal Medicine (2017),		51.065; 52.015; 48.025					
5285	Whaley, C., et al., "Nationwide Evaluation of Health Care Prices Paid by Private Health Plans," Rand Corporation, and supplemental files		51.065; 52.015; 48.025					
5286	Song, Z., "The Pricing of Care under Medicare for All," JAMA (2019), pp. 395-397 and Supplementary Online Content		51.065; 52.015; 48.025					
5287	CMS Fee Schedules - General Information		51.065; 52.015; 48.025					
5288	Healthcare.gov glossary		51.065; 52.015; 48.025					
5289	Self-Insured Group Health Plans FAQs		51.065; 52.015; 48.025					
5290	Brookings.edu a dozen facts about the US Healthcare system		51.065; 52.015; 48.025					
5291	TeamHealth Acquires Ruby Crest Emergency Medicine		51.065; 52.015; 48.025					
5292	TeamHealth to be Acquired by Blackstone		51.065; 52.015; 48.025					
5293	UMR website Landing Page							
5294	Saunders, R., "What You Should Consider When Contemplating Going Out-of-Network," Change Healthcare, available at https://www.changehealthcare.com/insights/physician-considerations-going-out-of-network		51.065; 52.015; 48.025					
5295	"Understanding Health Insurance", UHC.com							
5296	"Understanding Health Insurance Costs", UHC.com							
5297	"Out-of-Network Emergency Services", cms.gov/fact-sheets		51.065; 52.015; 48.025					

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Exhibit	Exhibit Description	Bates Numbers	Objection	Stipulated	Offered	Date Offered	Admitted	Date Admitted
5298	"Our Story", UHC.com							
5299	"About Us", UHC.com							
5300	Multiplan Homepage, multiplan.us		51.065; 52.015					
5301	"Data iSight Methodology", Multiplan.com		51.065; 52.015					
5302	Data iSight Homepage, dataisight.com		51.065; 52.015					
5303	Data iSight Provider Login		51.065; 52.015					
5304	Data iSight Patient Login		51.065; 52.015					
5305	Summary of Deal's "United Market Data" File							
5306	Summary of Deal's "United Market Data" File - Comparison to Deal's Opinions & PC's Actual Numbers							
5307	Summary of Plaintiff's Disputed Claim File							
5308	Summary of Stats FESM 1548 UHC NV ED Market 2012							
5309	Deal's FIG 3A R Output							
5310	Summary of Deal's "United Market Data" File - Top 5 Provider TINs							
5311	AHIP, Where Does Your Health Care Dollar Go? (2021)							
5312	CV of Alexander Mizenko		51.065; 52.015; 48.025					
5313	Letter from L. Blalack to FAIR Health (8/25/21)		51.065; 52.015; 48.025					
5314	Attorney General Cuomo Announces Historic Nationwide Health Insurance Reform; Ends Practice of Manipulating Rates to Overcharge Patients By Hundreds of Millions of Dollars (1/13/09)							
5315	U.S. Senate Staff Report for Chairman Rockefeller, Underpayments to Consumers by the Health Insurance Industry (6/24/09)							
5316	State of Connecticut Insurance Department, Benchmark Databases (6/29/16)		51.065; 52.015; 48.025					
5317	A Better Reference for Pricing – White Paper (08/10/19)		51.065; 52.015; 48.025					
5318	Letter from Natasha Fedder to Kristen Gallagher (12/18/20)		51.065; 52.015; 48.025					
5319	Correspondence regarding client selection of out-of-network programs	DEF268141 - DEF268143	48.025; 48.035; MIL; Court's Prior Orders					
5320	WITHDRAWN							
5321	U.S. Bureau of Labor Statistics, Consumer Price Index: Physicians' Services, CUUR0000SEMC01		51.065; 52.015; 48.025					
5322	United Market Data (combined files).xlsx		48.035					
5323	Medicare Physician Fee Schedule, 2017 to 2020		Medicare					
5324	Abbott, A., "Measures of Discount for Lack of Marketability and Liquidity," The Valuation Handbook, Hoboken, Wiley, 2010		51.065; 52.015; 48.025					
5325	Definitions of Health Insurance Terms		51.065; 52.015; 48.025					
5326	HCAA Self Funding Primer		51.065; 52.015; 48.025					
5327	UMR website about page							
5328	Letter to Natasha Fedder re Litigation Claims		51.065; 52.015; 48.025					
5329	Nevada Market Share Analysis - United		51.065; 52.015; 48.025					
5330	Summary UHC NV Ed Market 2012							
5331	Adler, L., Ginsburg, P., Hall, M., and E. Trish, "Breaking Down the Bipartisan Senate Group's New Proposal to Address Surprise Billing," Health Affairs (05/21/19)		51.065; 52.015; 48.025					
5332	Figure 1 to July 30, 2021 Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5333	Figure 2 to July 30, 2021 Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5334	Figures 3a & 3b to July 30, 2021 Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5335	Figures 4a & 4b to July 30, 2021 Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5336	Figures 5a & 5b to July 30, 2021 Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5337	Figure 6 to July 30, 2021 Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5338	Figure 7 to July 30, 2021 Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5339	Figures 8a & 8b to July 30, 2021 Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5340	Figures 9 to July 30, 2021 Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5341	Figure 10 to July 30, 2021 Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5342	Figures 11a & 11b to July 30, 2021 Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5343	Figures 14a & 14b to July 30, 2021 Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5344	Figure 15 to July 30, 2021 Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5345	Figure 16 to July 30, 2021 Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5346	Figure 17 to July 30, 2021 Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5347	Exhibits 1a-1c to July 30, 2021 Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5348	Exhibits 2a & 2b to July 30, 2021 Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5349	Exhibit 3 to July 30, 2021 Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5350	Exhibits 4a – 4c to July 30, 2021 Expert Report of Bruce Deal		51.065; 52.015; 48.025					

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Exhibit	Exhibit Description	Bates Numbers	Objection	Stipulated	Offered	Date Offered	Admitted	Date Admitted
5351	Exhibit 5 to July 30, 2021 Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5352	"Exhibit 1 and Figure 1 - Summary of Claims in Dispute" work paper to July 30, 2021 Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5353	"Exhibit 2a - TeamHealth Plaintiffs Billed Charges by ED CPT Code, December 2017" work paper to July 30, 2021 Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5354	"Exhibit 2b - TeamHealth Plaintiffs Billed Charges by ED CPT Code, 2020" work paper to July 30, 2021 Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5355	"Exhibits 3, 4, 5 and Figure 4, 5, 8, 11, 14, 16, 17 - Summaries of Benchmarking Analysis" work paper to July 30, 2021 Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5356	"Figure 3a - Summary of Disputed Claims by the United Defendant" work paper to July 30, 2021 Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5357	"Figure 3b - Summary of Disputed Claims by Funding Source" work paper to July 30, 2021 Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5358	"Figure 6 and 7 - TeamHealth Plaintiffs Market Claims Allowed at Full Billed Charges" work paper to July 30, 2021 Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5359	"Figure 9 - TeamHealth Plaintiffs' Received Amount as Percentage of Billed Charges" work paper to July 30, 2021 Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5360	"Figure 15 - Previously Contracted Rates and Rate Proposals" work paper to July 30, 2021 Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5361	"Full Billed Charges for TeamHealth OON" work paper to July 30, 2021 Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5362	Figures 1A & 1B to August 31, 2021 Expert Rebuttal Report of Bruce Deal		51.065; 52.015; 48.025					
5363	Figures 2A & 2B to August 31, 2021 Expert Rebuttal Report of Bruce Deal		51.065; 52.015; 48.025					
5364	Figure 3 to August 31, 2021 Expert Rebuttal Report of Bruce Deal		51.065; 52.015; 48.025					
5365	Figure 5 to August 31, 2021 Expert Rebuttal Report of Bruce Deal		51.065; 52.015; 48.025					
5366	Exhibits 1 A-1 through 1 B-6 to August 31, 2021 Expert Rebuttal Report of Bruce Deal		51.065; 52.015; 48.025					
5367	Exhibit 2 to August 31, 2021 Expert Rebuttal Report of Bruce Deal		51.065; 52.015; 48.025					
5368	Exhibits 3a – 3d to August 31, 2021 Expert Rebuttal Report of Bruce Deal		51.065; 52.015; 48.025					
5369	Exhibits 4a – 4d to August 31, 2021 Expert Rebuttal Report of Bruce Deal		51.065; 52.015; 48.025					
5370	Exhibit C to Appendix B to August 31, 2021 Expert Rebuttal Report of Bruce Deal		51.065; 52.015; 48.025					
5371	"Exhibit 1" work paper to August 31, 2021 Expert Rebuttal Report of Bruce Deal		51.065; 52.015; 48.025					
5372	"Exhibit 2" work paper to August 31, 2021 Expert Rebuttal Report of Bruce Deal		51.065; 52.015; 48.025					
5373	"Exhibit 3" work paper to August 31, 2021 Expert Rebuttal Report of Bruce Deal		51.065; 52.015; 48.025					
5374	"Exhibit 4" work paper to August 31, 2021 Expert Rebuttal Report of Bruce Deal		51.065; 52.015; 48.025					
5375	Figure 1 to August 31, 2021 Updated Affirmative Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5376	Figure 2 to August 31, 2021 Updated Affirmative Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5377	Figures 3a & 3b to August 31, 2021 Updated Affirmative Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5378	Figures 4a & 4b to August 31, 2021 Updated Affirmative Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5379	Figures 5a & 5b to August 31, 2021 Updated Affirmative Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5380	Figure 6 to August 31, 2021 Updated Affirmative Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5381	Figure 7 to August 31, 2021 Updated Affirmative Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5382	Figures 8a & 8b to August 31, 2021 Updated Affirmative Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5383	Figures 9 to August 31, 2021 Updated Affirmative Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5384	Figure 10 to August 31, 2021 Updated Affirmative Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5385	Figures 11a & 11b to August 31, 2021 Updated Affirmative Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5386	Figures 14a & 14b to August 31, 2021 Updated Affirmative Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5387	Figure 15 to August 31, 2021 Updated Affirmative Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5388	Figure 16 to August 31, 2021 Updated Affirmative Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5389	Figure 17 to August 31, 2021 Updated Affirmative Expert Report of Bruce Deal		51.065; 52.015; 48.025					

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Exhibit	Exhibit Description	Bates Numbers	Objection	Stipulated	Offered	Date Offered	Admitted	Date Admitted
5390	Exhibits 1a-1c to August 31, 2021 Updated Affirmative Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5391	Exhibits 2a & 2b to August 31, 2021 Updated Affirmative Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5392	Exhibit 3 to August 31, 2021 Updated Affirmative Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5393	Exhibits 4a – 4c to August 31, 2021 Updated Affirmative Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5394	Exhibit 5 to August 31, 2021 Updated Affirmative Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5395	“Exhibit 1” work paper to August 31, 2021 Updated Affirmative Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5396	“Figure 1” work paper to August 31, 2021 Updated Affirmative Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5397	“Ex 3-5 and Fig 4,5,8,11,14,16,17” work paper to August 31, 2021 Updated Affirmative Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5398	“Ex 4a - July 2017-January 2020” work paper to August 31, 2021 Updated Affirmative Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5399	“Figure 3a & 3b” work paper to August 31, 2021 Updated Affirmative Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5400	“Figure 15” work paper to August 31, 2021 Updated Affirmative Expert Report of Bruce Deal		51.065; 52.015; 48.025					
5401	Exhibits 1a through 1c to September 17, 2021 Expert Rebuttal Report of Bruce Deal to Dr. Joseph T. Crane		51.065; 52.015; 48.025					
5402	“Exhibits 1a-c” work paper to September 17, 2021 Expert Rebuttal Report of Bruce Deal to Dr. Joseph T. Crane		51.065; 52.015; 48.025					
5403	Table – ¶ 37 to July 30, 2021 Expert Report of David M. Leathers		51.065; 52.015; 48.025					
5404	Table – ¶ 38 to July 30, 2021 Expert Report of David M. Leathers		51.065; 52.015; 48.025					
5405	Exhibit 3 to July 30, 2021 Expert Report of David M. Leathers		51.065; 52.015; 48.025					
5406	Exhibit 4 to July 30, 2021 Expert Report of David M. Leathers		51.065; 52.015; 48.025					
5407	“Report Exhibits & Tables” work paper to July 30, 2021 Expert Report of David M. Leathers. Marked as Exhibit 4 to Sept. 15, 2021 Deposition of David M. Leathers.		51.065; 52.015; 48.025					
5408	“(Flagged Claims) Claims at Issue with AM Flags” work paper to July 30, 2021 Expert Report of David M. Leathers. Marked as Exhibit 5 to Sept. 15, 2021 Deposition of David M. Leathers.		51.065; 52.015; 48.025					
5409	“DRAFT - Damages Calc and iSight Flagged Database” work paper to July 30, 2021 Expert Report of David M. Leathers. Marked as Exhibit 6 to Sept. 15, 2021 Deposition of David M. Leathers.		51.065; 52.015; 48.025					
5410	“DRAFT - iSight Claims Analysis” work paper to July 30, 2021 Expert Report of David M. Leathers. Marked as Exhibit 7 to Sept. 15, 2021 Deposition of David M. Leathers.		51.065; 52.015; 48.025					
5411	“DRAFT - Employer Analysis” work paper to July 30, 2021 Expert Report of David M. Leathers. Marked as Exhibit 8 to Sept. 15, 2021 Deposition of David M. Leathers.		51.065; 52.015; 48.025					
5412	“DRAFT - Facility-CPT Summary of Other Payors” work paper to July 30, 2021 Expert Report of David M. Leathers. Marked as Exhibit 9 to Sept. 15, 2021 Deposition of David M. Leathers.		51.065; 52.015; 48.025					
5413	“DRAFT - Sierra Claims Analysis” work paper to July 30, 2021 Expert Report of David M. Leathers. Marked as Exhibit 10 to Sept. 15, 2021 Deposition of David M. Leathers.		51.065; 52.015; 48.025					
5414	Exhibit 1 to September 9, 2021 Supplemental Expert Report of David M. Leathers		51.065; 52.015; 48.025					
5415	Exhibit 2 to September 9, 2021 Supplemental Expert Report of David M. Leathers		51.065; 52.015; 48.025					
5416	Exhibit 3 to September 9, 2021 Supplemental Expert Report of David M. Leathers		51.065; 52.015; 48.025					
5417	Exhibit 4 to September 9, 2021 Supplemental Expert Report of David M. Leathers		51.065; 52.015; 48.025					
5418	Exhibit 5 to September 9, 2021 Supplemental Expert Report of David M. Leathers		51.065; 52.015; 48.025					
5419	“Supplemental Analysis - 20210909” work paper to September 9, 2021 Supplemental Expert Report of David M. Leathers. Marked as Exhibit 11 to Sept. 15, 2021 Deposition of David M. Leathers.[5]		51.065; 52.015; 48.025					
5420	“Claims at Issue - Allowed Amt Comparisons - with FAIR Health” work paper to September 9, 2021 Supplemental Expert Report of David M. Leathers. Marked as Exhibit 15 to Sept. 15, 2021 Deposition of David M. Leathers		51.065; 52.015; 48.025					

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Exhibit	Exhibit Description	Bates Numbers	Objection	Stipulated	Offered	Date Offered	Admitted	Date Admitted
5421	"DML Claims at Issue - Allowed Amt Comparisons" work paper to September 9, 2021 Supplemental Expert Report of David M. Leathers. Marked as Exhibit 16 to Sept. 15, 2021 Deposition of David M. Leathers		51.065; 52.015; 48.025					
5422	Section IX "Data Analysis Summary" of August 31, 2021 Expert Report of Alexander J. Mizenko		51.065; 52.015; 48.025					
5423	"EX B 2021.08.24 Billed Charges for TeamHealth Plaintiffs" to August 31, 2021 Expert Report of Alexander J. Mizenko		51.065; 52.015; 48.025					
5424	"EX C Histograms" to August 31, 2021 Expert Report of Alexander J. Mizenko		51.065; 52.015; 48.025					
5425	Exhibit 1 to July 30, 2021 Expert Report of Scott K. Phillips		51.065; 52.015; 48.025					
5426	Exhibit 2 to July 30, 2021 Expert Report of Scott K. Phillips		51.065; 52.015; 48.025					
5427	Exhibit 3 to July 30, 2021 Expert Report of Scott K. Phillips		51.065; 52.015; 48.025					
5428	Exhibit 4 to July 30, 2021 Expert Report of Scott K. Phillips		51.065; 52.015; 48.025					
5429	Exhibit 5 to July 30, 2021 Expert Report of Scott K. Phillips		51.065; 52.015; 48.025					
5430	Exhibit 6 to July 30, 2021 Expert Report of Scott K. Phillips		51.065; 52.015; 48.025					
5431	Exhibit 7 to July 30, 2021 Expert Report of Scott K. Phillips		51.065; 52.015; 48.025					
5432	Exhibit 8 to July 30, 2021 Expert Report of Scott K. Phillips		51.065; 52.015; 48.025					
5433	Exhibit 9 to July 30, 2021 Expert Report of Scott K. Phillips		51.065; 52.015; 48.025					
5434	Exhibit 10 to July 30, 2021 Expert Report of Scott K. Phillips		51.065; 52.015; 48.025					
5435	Exhibit 11 to July 30, 2021 Expert Report of Scott K. Phillips		51.065; 52.015; 48.025					
5436	Exhibit 12 to July 30, 2021 Expert Report of Scott K. Phillips		51.065; 52.015; 48.025					
5437	"99283-99291_Market analysis" work paper to July 30, 2021 Expert Report of Scott K. Phillips		51.065; 52.015; 48.025					
5438	"Defendants claims for Plaintiff" work paper to July 30, 2021 Expert Report of Scott K. Phillips		51.065; 52.015; 48.025					
5439	"Disputed claims analysis" work paper to July 30, 2021 Expert Report of Scott K. Phillips		51.065; 52.015; 48.025					
5440	"Exhibits" work paper to July 30, 2021 Expert Report of Scott K. Phillips		51.065; 52.015; 48.025					
5441	Exhibit 1 to August 31, 2021 Expert Report of Scott K. Phillips		51.065; 52.015; 48.025					
5442	Exhibit 2 to August 31, 2021 Expert Report of Scott K. Phillips		51.065; 52.015; 48.025					
5443	Exhibit 3 to August 31, 2021 Expert Report of Scott K. Phillips		51.065; 52.015; 48.025					
5444	Exhibit 4 to August 31, 2021 Expert Report of Scott K. Phillips		51.065; 52.015; 48.025					
5445	Exhibit 5 to August 31, 2021 Expert Report of Scott K. Phillips		51.065; 52.015; 48.025					
5446	Exhibit 6 to August 31, 2021 Expert Report of Scott K. Phillips		51.065; 52.015; 48.025					
5447	"99283-99291_Market analysis" work paper to August 31, 2021 Expert Report of Scott K. Phillips		51.065; 52.015; 48.025					
5448	"Analysis of Deal's Buyer Analysis (Def.NonPlaintiff)" work paper to August 31, 2021 Expert Report of Scott K. Phillips		51.065; 52.015; 48.025					
5449	"Analysis of Deal's Seller Analysis (Plaintiff.NonDef)" work paper to August 31, 2021 Expert Report of Scott K. Phillips		51.065; 52.015; 48.025					
5450	"Defendants claims for Plaintiff" work paper to August 31, 2021 Expert Report of Scott K. Phillips		51.065; 52.015; 48.025					
5451	"Disputed claims analysis" work paper to August 31, 2021 Expert Report of Scott K. Phillips		51.065; 52.015; 48.025					
5452	"Exhibit 1" work paper to August 31, 2021 Expert Report of Scott K. Phillips		51.065; 52.015; 48.025					
5453	"Exhibits 2-6" work paper to August 31, 2021 Expert Report of Scott K. Phillips		51.065; 52.015; 48.025					
5454	Exhibit A ("Matching Spreadsheet") to Bruce Deal's Declaration in support of Defendants' Partial Motion for Summary Judgment		51.065; 52.015; 48.025					
5455	Exhibit B to Bruce Deal's Declaration in support of Defendants' Partial Motion for Summary Judgment		51.065; 52.015; 48.025					
5456	Exhibit C to Bruce Deal's Declaration in support of Defendants' Partial Motion for Summary Judgment		51.065; 52.015; 48.025					
5457	Exhibit D to Bruce Deal's Declaration in support of Defendants' Partial Motion for Summary Judgment		51.065; 52.015; 48.025					
5458	Exhibit E to Bruce Deal's Declaration in support of Defendants' Partial Motion for Summary Judgment		51.065; 52.015; 48.025					
5459	Exhibit F to Bruce Deal's Declaration in support of Defendants' Partial Motion for Summary Judgment		51.065; 52.015; 48.025					
5460	Exhibit G to Bruce Deal's Declaration in support of Defendants' Partial Motion for Summary Judgment		51.065; 52.015; 48.025					

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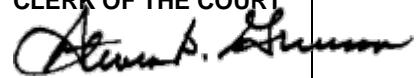
Exhibit	Exhibit Description	Bates Numbers	Objection	Stipulated	Offered	Date Offered	Admitted	Date Admitted
5461	Exhibit H to Bruce Deal's Declaration in support of Defendants' Partial Motion for Summary Judgment		51.065; 52.015; 48.025					
5462	Exhibit I to Bruce Deal's Declaration in support of Defendants' Partial Motion for Summary Judgment		51.065; 52.015; 48.025					
5463	Summary of data in Bates DEF530152		51.065; 52.015					
5464	Summary of data in Bates MPI024365		51.065; 52.015					
5465	Summary of data in Bates COLLECT RX 000001-000071; COLLECT RX 00073-00120; COLLECT RX 00122-00216; COLLECT RX 00218-00222		48.025; 48.035; MIL; Court's Prior Order					
5466	Summary of data in 08_24_Disputed_Claims file		48.025; Improper 52.275 Summary					
5467	Expert Rebuttal Report of Bruce Deal to Dr. Robert Frantz (10/8/21)		51.065; 52.015; 48.025					
5468	Appendix B to the Deal Rebuttal Report to Dr. Frantz (10/8/21)		51.065; 52.015; 48.025					
5469	Appendix C to the Deal Rebuttal Report to Dr. Frantz (10/8/21)		51.065; 52.015; 48.025					
5470	USC Schaeffer, Private Equity Investment as a Divining Rod for Markey Failure: Policy Responses to Harmful Physician Practice Acquisitions (10/21)		51.065; 52.015; 48.025					
5471	UNLV School of Medicine, Graduate Medical Education: Excellence Through Innovative Training		51.065; 52.015; 48.025					
5472	Valley Hospital Medical Center, Graduate Medical Education Programs in Las Vegas		51.065; 52.015; 48.025					
5473	TeamHealth White Paper, A-PEX: Achieving Peak Performance in Patient Experience							
5474	USC Schaeffer, sState Approaches to Mitigating Surprise Out-of-Network Billing (02/19)	DEF408955C - DEF408996C	51.065; 48.035					
5475	Email from K. Bristow to K. Mayer (07/11/19)	FESM021028 - FESM021029						
5476	Policy & Procedure Billing Center Operations	FESM001549 - FESM001551						
5477	Email from R. Rehani to J. Haben, et al. (06/06/19), with attachment	DEF250694 - DEF250695	48.025; 48.035; MIL; Court's Prior Orders					
5478	Email from S. Schoener to E. Russell (03/25/19)	DEF530007 - DEF530011	48.025; 48.035; MIL; Court's Prior Orders					
5479	Email from J. Martinez to R. Falkenberg, et al. (09/22/19), with attachment	DEF102544 - DEF102547	48.025; 48.035; MIL; Court's Prior Orders					
5480	TeamHealth Talking Points and Q&A for National and Key Accounts Clients	DEF102548 - DEF102552	48.025; 48.035; MIL; Court's Prior Orders					
5481	Email from A. Nierman to K. Bristow, et al. (11/01/19)	FESM003880 - FESM003881	48.025; 48.035; MIL; Court's Prior Orders					
5482	Email from A. Nierman to K. Bristow (10/22/19)	DEF010924	48.025; 48.035; MIL; Court's Prior Orders					
5483	Letter from UnitedHealth to Team Health (10/22/19)	DEF010925 - DEF010927	48.025; 48.035; MIL; Court's Prior Orders					
5484	Email from A. Nierman to K. Bristow (10/25/19)	FESM008987 - FESM008988	48.025; 48.035; MIL; Court's Prior Orders					
5485	Email from R. Harris to J. Jefferson (03/06/19)	FESM001238 - FESM001239	Agree with redaction, portions are 48.025, 48.035, MIL					
5486	Email from G. Dosedel to J. Schrader (10/11/18)	DEF010626 - DEF010627	48.025; 48.035; MIL; Court's Prior Orders					
5487	CV of Dr. Robert Frantz, Jr.							
5488	J. Crane, et al., New Directions in Emergency Service Operations and Planning, 33 J. Ambulatory Care Mgmt. 296-306 (2010)							
5489	J. Crane, et al., Selection Criteria for Emergency Medicine Residency Applicants, 7 Academic Emergency Medicine 54-60 (2000)							
5490	J. Crane, et al. Adopting a Service Operations Approach to the Evaluation and Management of Patients with Influenza-Like Illness (ILI) in the Emergency Department in the H1N1 Era, Inst. for Healthcare Improvement (2009)							
5491	J. Crane, ED and Hospital-wide Flow Best Practices, Inst. for Healthcare Improvement (03/13/14)							
5492	D. Barkholz, Herding Hospital Docs: Staffing Firms Buy MD Groups, Modern Healthcare (12/12/15)							
5493	J. Crane, et al., How to Have a Leaner OR Department, 25 OR Manager 1-4 (2009)							
5494	J. Crane, The Journey Toward a Lean ED (2007)							
5495	Wildfire and Firestorms in Disaster Medicine (Hogan & Burnstein, eds. 2002)							
5496	Vangelder, CM, et al., Emergency Medical Services in Connecticut, Prehospital Emergency Care (2005)							

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RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

FREMONT EMERGENCY SERVICES
(MANDAVIS) LTD., ET AL.,

Plaintiffs,

vs.

UNITED HEALTHCARE
INSURANCE COMPANY, ET AL.,

Defendants.

CASE#: A-19-792978-B

DEPT. XXVII

BEFORE THE HONORABLE NANCY ALLF
DISTRICT COURT JUDGE
WEDNESDAY, OCTOBER 27, 2021

RECORDER'S TRANSCRIPT OF JURY TRIAL - DAY 3

APPEARANCES:

For the Plaintiffs:

PATRICIA K. LUNDVALL, ESQ.
JOHN ZAVITSANOS, ESQ.
JASON S. MCMANIS, ESQ.
JOSEPH Y. AHMAD, ESQ.
KEVIN LEYENDECKER, ESQ.

For the Defendants:

D. LEE ROBERTS, JR., ESQ.
K. LEE BLALACK, ESQ.
JEFFREY E. GORDON, ESQ.

RECORDED BY: BRYNN WHITE, COURT RECORDER

1 Las Vegas, Nevada, Wednesday, October 27, 2021

2
3 [Case called at 9:34 a.m.]

4 [Outside the presence of the prospective jurors]

5 THE MARSHAL: District Court 27 is now in session, the
6 Honorable Judge Allf, presiding.

7 THE COURT: Good morning, everyone. Please be seated.

8 MR. ZAVITSANOS: Good morning, Your Honor.

9 MR. ROBERTS: Good morning, Your Honor.

10 THE COURT: Let me call the case of Fremont v. United. Let's
11 take appearances, please, for the record.

12 MS. LUNDVALL: Good morning, Your Honor. Pat Lundvall,
13 from McDonald Carano, here on behalf of the healthcare provider.

14 THE COURT: Thank you.

15 MR. ZAVITSANOS: Good morning, Your Honor. John
16 Zavitsanos on behalf of the healthcare provider.

17 THE COURT: Thank you.

18 MR. AHMAD: Joe Ahmad, also on behalf of the healthcare
19 provider.

20 THE COURT: Thank you.

21 MR. LEYENDECKER: Good morning, Your Honor. Kevin
22 Leyendecker, on behalf of the healthcare providers.

23 THE COURT: Thank you.

24 MR. MCMANIS: Good morning. Jason McManis, on behalf
25 of the healthcare providers.

1 THE COURT: Thank you. And for the Defense, please.

2 MR. BLALACK: Good morning, Your Honor. Lee Blalack on
3 behalf of the Defendants.

4 THE COURT: Thank you.

5 MR. ROBERTS: Good morning, Your Honor. Lee Roberts,
6 also on behalf of the Defendants.

7 THE COURT: Thank you.

8 MR. GORDON: Good morning, Your Honor. Jeff Gordon, on
9 behalf of the Defendants.

10 THE COURT: Thank you. That's all the appearances?

11 MR. ZAVITSANOS: That's correct, Your Honor.

12 THE COURT: Okay. So we have two messages from jurors
13 this morning, 308, Mandy Tat, is having problems understanding
14 English, and then 161, John Michalik, says that he has physical therapy,
15 161. Just to let you guys know. Do you want to bring them in separately
16 to talk about that, or do you want to address it? How best to address
17 that?

18 MR. ROBERTS: Your Honor, Defendants believe it might be
19 more efficient, given that we're in a convenient break to bring them in
20 and excuse them if appropriate.

21 THE COURT: Okay.

22 MR. ZAVITSANOS: We agree, Your Honor.

23 THE COURT: All right. So as soon as the -- oh, I think I gave
24 him the wrong signal. I think he's about to bring them all in.

25 [Pause]

1 THE COURT: Okay, Brynn. Do you mind going to ask
2 Andrew to come in alone?

3 THE MARSHAL: All rise for the jury.

4 THE COURT: Andrew. Stop, stop, stop. We're not ready. I
5 need you. Sorry, guys, I gave him the wrong signal.

6 THE CLERK: Do you want me to just go and let them know
7 which two?

8 THE COURT: I will.

9 [Pause]

10 THE COURT: Okay. Marshal Allen, we need to bring in Juror
11 308, Mandy Tat.

12 THE MARSHAL: 308, ma'am.

13 THE COURT: 308.

14 THE MARSHAL: Your Honor, also one more, 555, Albert
15 Smith. He says he may run out of his medicine, today. 308.

16 THE COURT: Thank you. 308.

17 [Pause]

18 THE COURT: Okay. All right. Court will come to order.
19 Juror 308, Mandy Tat?

20 PROSPECTIVE JUROR 308: Yes. Uh-huh.

21 THE COURT: You indicated to the Marshal that you're having
22 trouble following the proceedings.

23 PROSPECTIVE JUROR 308: Yes. Yesterday I try to listen in
24 for the question. I'm having hard time to understand.

25 THE COURT: Is it hearing, or understanding?

1 PROSPECTIVE JUROR 308: Understanding. So --

2 THE COURT: Okay. Let's talk about your English proficiency.

3 I know that you work --

4 PROSPECTIVE JUROR 308: I work front desk --

5 THE COURT: -- at the front desk.

6 PROSPECTIVE JUROR 308: Uh-huh. Yes.

7 THE COURT: So do you know medical terms in English?

8 PROSPECTIVE JUROR 308: Most I don't know.

9 THE COURT: Medical?

10 PROSPECTIVE JUROR 308: No.

11 THE COURT: No. How about legal terms in English?

12 PROSPECTIVE JUROR 308: What's -- what's that mean, I
13 don't know?

14 THE COURT: Okay. So you're a naturalized citizen?

15 PROSPECTIVE JUROR 308: Yes, I am. But my main
16 language is Chinese.

17 THE COURT: Okay. Did you take the citizen test in English?

18 PROSPECTIVE JUROR 308: Yes. Uh-huh.

19 THE COURT: Okay. And you have a driver's license?

20 PROSPECTIVE JUROR 308: Yes.

21 THE COURT: Did you take the test in English?

22 PROSPECTIVE JUROR 308: Yes. Uh-huh.

23 THE COURT: Okay. But you're having troubling following?

24 PROSPECTIVE JUROR 308: Following, yes. I try to sit
25 through it yesterday, and try to understand, but I'm having problem, I'm

1 confused when they ask question.

2 THE COURT: What is confusing?

3 PROSPECTIVE JUROR 308: I try to understand the question,
4 but I need to like more a basic of the language, like --

5 THE COURT: Like the standard of proof, preponderance; is
6 that confusing to you?

7 PROSPECTIVE JUROR 308: Yes. I don't know exactly what it
8 means.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR 308: So I don't know. I'm confused
11 already.

12 THE COURT: Okay. All right. Are there follow-up questions
13 from the Plaintiff?

14 MR. ZAVITSANOS: No, Your Honor.

15 THE COURT: Any follow-up questions from the Defendant?

16 MR. ROBERTS: No, Your Honor.

17 THE COURT: All right. Thank you very much. We will
18 consider your request.

19 PROSPECTIVE JUROR 308: Oh, okay. Okay.

20 THE COURT: All right. Thank you.

21 Let's bring in Juror 161. And the Marshal has also told me
22 that Albert Smith, 555, said he's going to run out of medicine today; he's
23 the one with anxiety.

24 MR. ZAVITSANOS: Yes.

25 THE COURT: The other one with anxiety.

1 MR. ROBERTS: Right.

2 THE COURT: Is there any consensus on whether or not Ms.
3 Tat should be released? Oh, sorry.

4 Okay. Mr. Michalik, you've indicated to the Marshal that you
5 have physical therapy?

6 PROSPECTIVE JUROR 161: Yeah. I start physical therapy
7 tomorrow; it's been scheduled for a while. I've had back problems, well,
8 when I was young, but the last, whatever, five years, but anyway, I keep
9 blowing it out, but I have my x-ray, and in order to get my MRI I have to
10 start therapy because my insurance won't do the MRI until I do the
11 therapy. So the therapy starts tomorrow, and it's every Thursday.

12 THE COURT: Uh-huh.

13 PROSPECTIVE JUROR 161: And then, so -- and basically I
14 work -- my schedule is Monday, Tuesday, Wednesday swing, and then
15 I'm off Thursday, Friday --

16 THE COURT: Right.

17 PROSPECTIVE JUROR 561: -- to try to go to therapy, and
18 then Saturday, Sunday, I work days. We all work split shifts at Treasure
19 Island. Well, not all of them, but a lot of them.

20 THE COURT: All right.

21 PROSPECTIVE JUROR 161: Because we don't -- we just don't
22 have -- I mean, we had 54 people, now we've got 27, so everything's --
23 you know, it's hard to take a vacation and all that, so --

24 THE COURT: All right. And, what time is your appointment?

25 PROSPECTIVE JUROR 161: For therapy, 8 o'clock tomorrow.

1 THE COURT: And how long does it take?

2 PROSPECTIVE JUROR 161: Probably about an hour and a
3 half. They're going to put me in a traction machine, because my spine is
4 a little compressed.

5 THE COURT: Okay. And where is your therapy?

6 PROSPECTIVE JUROR 161: It's off of -- right here. Sports.

7 THE COURT: The address.

8 PROSPECTIVE JUROR 161: Yeah. I have the appointment
9 card too, if you want that, or --

10 THE COURT: 89113 off of Orange Springs?

11 PROSPECTIVE JUROR 161: Yeah.

12 THE COURT: That's actually my neighborhood. It takes me
13 25 minutes to get to work.

14 PROSPECTIVE JUROR 161: Yeah. My boss wrote me a
15 letter, but I don't know if you want to see it, but --

16 THE COURT: I do.

17 PROSPECTIVE JUROR 161: Okay. It's just because we're just
18 so low manned. Like I said, we always work split shifts now.

19 THE COURT: Right. And you had indicated that you were on
20 the swing shift at Treasure Island, 1:00 to 10:00?

21 PROSPECTIVE JUROR 161: Well, swing -- yeah. Swing shift
22 is 2:00 to 10:00, Monday, Tuesday, Wednesday. I'm off Thursday, Friday,
23 my regular days off. And then I worked Saturday, Sunday days, because
24 I -- I do the pools in the bay at Treasure Island, so I'm just --

25 THE COURT: Please show that to the lawyers, Andrew.

1 PROSPECTIVE JUROR 161: So somebody has to be -- you
2 always have to have a certified pool operator, you know, when the pools
3 are open. So because we're so low manned, and I have to be there on
4 Saturday and Sunday days, and then the rest of the shifts, I have to be
5 swing, because it's -- we only have like six people in our shop. So --

6 THE COURT: All right. So, technically, if you had your
7 therapy at 8:00 tomorrow, you could still be here?

8 PROSPECTIVE JUROR 161: It's kind of rough -- well, I mean,
9 I'll probably get out of there at 9:30. This is just a -- this is just to
10 schedule, my initial -- you know, what they're going to do and all that,
11 you know what I mean? Now every Thursday, when I go, I guess I can
12 try to schedule 8 o'clock, or 10 o'clock, I don't know when they're going
13 to be open. I mean, the appointments, do you know what I mean?

14 THE COURT: Plaintiff, do you have any questions of
15 Mr. Michalik?

16 MR. ZAVITSANOS: No, Your Honor.

17 THE COURT: Defendant, do you have any questions of
18 Mr. Michalik?

19 MR. ROBERTS: Yes, sir. Just one question. How often are
20 you going to be doing physical therapy, moving forward, after
21 tomorrow's appointment?

22 PROSPECTIVE JUROR 161: Oh, at least a month. I mean,
23 it's -- yeah --

24 THE COURT: I think it's once a week.

25 PROSPECTIVE JUROR 161: Yeah. Once a week.

1 MR. ROBERTS: Once a week. Okay. Thank you.

2 PROSPECTIVE JUROR 161: Once a week, yeah.

3 MR. ROBERTS: I'm sorry, you said that.

4 PROSPECTIVE JUROR 161: Yeah, at least. I mean, if I could I
5 -- if they'll let me I would like to go twice a week, because basically my
6 spine is, when you have -- you know, if you have back problems, it's -- it
7 hurts a lot, so --

8 THE COURT: All right.

9 PROSPECTIVE JUROR 161: That's it.

10 THE COURT: Thank you.

11 PROSPECTIVE JUROR 161: Thank you.

12 THE COURT: We'll consider your request.

13 PROSPECTIVE JUROR 161: Okay. Thank you.

14 THE COURT: Okay. Let's bring in 555, please.

15 [Pause]

16 THE COURT: Good morning, Mr. Smith.

17 PROSPECTIVE JUROR 555: Good morning.

18 THE COURT: You had given a message to the Marshal about
19 your medicine?

20 PROSPECTIVE JUROR 555: Yeah. I took some the first day,
21 to help me feel a little better.

22 THE COURT: Uh-huh.

23 PROSPECTIVE JUROR 555: Took some yesterday, it made
24 me feel a little better, but today I only have one more, and that's for
25 today.

1 THE COURT: Okay. And do you have a monthly
2 prescription?

3 PROSPECTIVE JUROR 555: Yeah. And I'm going to run out,
4 taking more than --

5 THE COURT: All right. And have you called your doctor
6 about refilling it?

7 PROSPECTIVE JUROR 555: No, I haven't.

8 THE COURT: Okay. Do you have a family doctor?

9 PROSPECTIVE JUROR 555: Not really. Whoever on duty is
10 what doctors I see.

11 THE COURT: Okay. And can call today to get a refill?
12 Because we have today and tomorrow, and then we don't start again
13 until Monday? And how are you holding up?

14 PROSPECTIVE JUROR 555: Well, I have a little trouble
15 sleeping, it felt like somebody was stabbing me in my chest.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR 555: And I was going to go to the
18 doctor -- or to the hospital last night, but it eased up, so I just went to
19 sleep.

20 THE COURT: Okay. We realize that this is stressful. This is
21 more stressful than sitting through a trial. Do you think you can do it?

22 PROSPECTIVE JUROR 555: I don't know.

23 THE COURT: Okay. Plaintiff, do you have any questions?

24 MR. ZAVITSANOS: Yes, sir. Have you been experiencing
25 anxiety while we've been going through this exercise?

1 PROSPECTIVE JUROR 555: Yeah.

2 MR. ZAVITSANOS: Okay. More so than usual?

3 PROSPECTIVE JUROR 555: Oh, yeah.

4 MR. ZAVITSANOS: Okay. We are going to go through
5 tomorrow with additional questioning. Do you feel like -- is this anxiety
6 affecting you really to concentrate or participate in this process that
7 we're going through now?

8 PROSPECTIVE JUROR 555: I would say so.

9 MR. ZAVITSANOS: I don't have anything further.

10 THE COURT: Mr. Roberts?

11 MR. ROBERTS: Yes. Sir, the medication that you've been
12 taking, did you say you've been taking more than normal?

13 PROSPECTIVE JUROR 555: You could say that, yeah.

14 MR. ROBERTS: Okay.

15 PROSPECTIVE JUROR 555: And they say when I have
16 anxiety, if there are problems then I take more, and they only prescribe
17 me 30 per month.

18 MR. ROBERTS: Does the medication make you drowsy, or
19 make it difficult to concentrate?

20 PROSPECTIVE JUROR 555: No. The pain does, though.

21 MR. ROBERTS: The pain makes it hard to concentrate.

22 PROSPECTIVE JUROR 555: My equilibrium is thrown off.

23 MR. ROBERTS: Okay. Thank you, sir. Thank you, Your
24 Honor.

25 THE COURT: Thank you. You may go back out into the hall,

1 please.

2 [Pause]

3 THE COURT: Okay. The room is clear. Plaintiff, do you have
4 a position on Mandy Tat, Juror 308?

5 MR. ZAVITSANOS: Your Honor, I'll just shortcut it. We are
6 okay with releasing all four --

7 UNIDENTIFIED SPEAKER: Three.

8 MR. ZAVITSANOS: Three. Excuse me, three.

9 THE COURT: All three?

10 MR. ZAVITSANOS: My apologies, yes. All three.

11 THE COURT: Mr. Roberts, when you're ready.

12 MR. ROBERTS: The Defense stipulates to release Albert
13 Smith, badge number 555. The other two, we're not there yet, Your
14 Honor. While we appreciate the letter, it sounds like that's just a
15 hardship to the employer, and there are lots of independent contractors
16 who can service pools in Vegas.

17 THE COURT: Well, he had indicated from the beginning that
18 he really didn't want to be here.

19 MR. ROBERTS: Yes, he did. And it sounds like we can
20 accommodate his physical therapy tomorrow, and there are going to be
21 enough dark days and weekends for him to schedule his remaining
22 physical therapy, which is not yet scheduled yet around our schedule.

23 THE COURT: And what about Mandy Tat?

24 MR. ROBERTS: Your Honor, she seems like she understand
25 English pretty well to me.

1 THE COURT: She works the front desk at a hotel. So --

2 MR. ROBERTS: She does. Uses English in her job, took the
3 citizenship test in English, took the DMV test in English.

4 THE COURT: All right.

5 MR. ZAVITSANOS: So, Your Honor, the only thing I would
6 say to that -- I'm sorry. May I approach, Your Honor?

7 THE COURT: Please.

8 MR. ZAVITSANOS: The only thing I would say to that would
9 be, firstly, she had asked for clarification a couple of times when you
10 asked her about legal terms. Her accent was pretty noticeable, and it did
11 seem like she was struggling a little bit.

12 As for the second gentlemen, I think Your Honor is correct,
13 he has made a number of attempts now to get off. I mean, I'll just tell
14 you, selfishly, that always penalizes the Plaintiff, because he's here
15 mostly because of us, because we filed the lawsuit. And so I feel like
16 we'd be prejudiced a little bit by having someone who has made this
17 many efforts to get off, and I just fear that resentment would be directed
18 primarily towards us.

19 THE COURT: Well, he's not in the top 24 at this point, so -- I
20 don't know. I will release Mr. Smith, and the jury is out on Tat and
21 Michalik at this point.

22 MR. ZAVITSANOS: Okay.

23 THE COURT: All right. So, Andrew, now -- I gave you the
24 wrong sign before.

25 THE MARSHAL: Yes, ma'am.

1 THE COURT: May we please bring in the jury?

2 THE MARSHAL: Yes, ma'am.

3 [Pause]

4 THE COURT: You know, you guys, it goes back to
5 philosophy. Some lawyers want to hold everybody here, some lawyers
6 will let anybody go who doesn't want to be here, so --

7 MR. ZAVITSANOS: I'm sorry, Your Honor. I'm -- sorry.

8 THE COURT: It goes to philosophy. Some lawyers want to
9 hold everyone here. Some only want people who want to be here. So
10 I -- for a four-week trial, I would probably err on the caution -- on the side
11 that they should want to be here.

12 MR. ZAVITSANOS: Yeah. All right.

13 [Pause]

14 MR. ZAVITSANOS: Oh, Your Honor, just -- for what it's
15 worth, I'm told that the gentleman who works at Treasure Island is now
16 in the top 24.

17 THE COURT: Oh, he is in the top 24?

18 MR. ZAVITSANOS: Yeah.

19 THE COURT: Okay.

20 MR. ZAVITSANOS: So for whatever that's worth.

21 THE COURT: Well, that'll give you a chance to explore more
22 with him on your voir dire.

23 MR. ZAVITSANOS: Okay.

24 [Marshal to Court]

25 THE COURT: We have three more now who are claiming

1 hardship.

2 [Marshal to Court]

3 THE COURT: Okay, guys. The next three are 175, 244 and
4 729. I need to --

5 MR. ZAVITSANOS: I'm sorry. Can you repeat those, Your
6 Honor?

7 THE COURT: 175, 244, 729.

8 MR. ZAVITSANOS: Thank you.

9 THE COURT: Okay. Go ahead and bring in 175, Weissman,
10 first.

11 [Pause]

12 THE COURT: Good morning, Mr. Weissman.

13 PROSPECTIVE JUROR 175: Good morning, Your Honor. Ken
14 Weissman, badge number 175.

15 THE COURT: All right.

16 PROSPECTIVE JUROR 175: I went into the office last night to
17 try to get a little work done and brought my calendar in today. I had
18 mentioned I had two short trials scheduled. Or, I thought I had a couple
19 scheduled. I have a November 12 short trial in Davis v. Aguiere. One
20 day --

21 THE COURT: May I get the case number?

22 PROSPECTIVE JUROR 175: I don't have the case number.
23 I'm sorry. I don't write case numbers on the calendar.

24 THE COURT: I can verify it, if you can give me the names.

25 PROSPECTIVE JUROR 175: Davis, D-A-V-I-S v. Aguiere,

1 A-G-U-I-E-R-E, I believe. That case -- I've been notified has been settled,
2 but it -- I haven't gotten the stip and proposed order on it. I think that
3 one is sort of contingent on two minor -- two petitions for minor
4 compromises being approved, but I haven't seen the petitions yet and
5 those won't be done. I don't think it'll be done in time for a November
6 12th trial, so I'm going to guess that the ADR office is going to take that
7 office calendar and continue it to another date.

8 THE COURT: Let me just email the discovery commissioner
9 real quick about that.

10 PROSPECTIVE JUROR 175: I'm sorry, Your Honor?

11 THE COURT: I will email the discovery commissioner real
12 quick about that.

13 PROSPECTIVE JUROR 175: Okay. And then I have Harris v.
14 Walker for November 19th. I've been informed again, orally but not with
15 a stip and proposed order. I've been told that that's settled. But again,
16 as I said, until I get an order of dismissal, it's still on my calendar.

17 THE COURT: Give me just a second here.

18 PROSPECTIVE JUROR 175: And those are the only two
19 before [indiscernible].

20 THE COURT: Is there anything else?

21 PROSPECTIVE JUROR 175: No, Your Honor.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR 175: I just wanted you to hear that --

24 THE COURT: Thank you.

25 PROSPECTIVE JUROR 175: -- updated information.

1 THE COURT: Plaintiff, do you have any questions of Mr.
2 Weissman?

3 MR. ZAVITSANOS: Yes. Mr. Weissman, just very quickly.
4 And it may be me. I'm just maybe a little behind this morning. Are you
5 seeking a hardship exception or are you simply informing the Court of
6 your schedule?

7 PROSPECTIVE JUROR 175: I am seeking a hardship.

8 MR. ZAVITSANOS: Okay. And why is that?

9 PROSPECTIVE JUROR 175: I'm a sole practitioner. If I am
10 here for four weeks, that means I'm not billing, I'm not taking care of
11 clients, I'm not bringing in cases. I think four weeks without income,
12 especially on top of COVID, constitutes a hardship.

13 MR. ZAVITSANOS: Okay. And --

14 PROSPECTIVE JUROR 175: But this would -- these four --
15 these two trials are additional information that I thought should be sent
16 out there.

17 MR. ZAVITSANOS: Okay. Do you have -- in addition to these
18 trials, do you have any other engagements during the next four weeks?

19 PROSPECTIVE JUROR 175: You're a practicing attorney.
20 You should know that. Yes, of course.

21 MR. ZAVITSANOS: It's not a rhetorical questions. I just need
22 to get clear picture, so --

23 PROSPECTIVE JUROR 175: Yes. I have -- I don't have
24 anything specifically calendared, but I have work I have to do. I have an
25 order to show cause I have to prepare. I have 16.1 disclosures I have to

1 be getting out, because I have a summons and complaint in a personal
2 injury matter that just got done -- that just got served last week, so -- and
3 I'm expecting the answer to come in 20, 21 days, whatever it is after that,
4 my 16.1 is due. I have an order to show cause in a family law matter that
5 I'm in Los Angeles that I need to be preparing on. I've got work. And
6 thanks to COVID, I don't have anyone to help me out. I don't know have
7 a paralegal or secretary to be doing it, because they started off two years
8 ago working from home and that didn't really work out.

9 THE COURT: So Mr. Weissman, what is the case that you
10 need to do disclosures on?

11 PROSPECTIVE JUROR 175: I'm sorry?

12 THE COURT: What is the case that you need to do
13 disclosures on? Is it --

14 PROSPECTIVE JUROR 175: Shirley Eusan --

15 THE COURT: Eusanio [phonetic] v. Radke [phonetic]?

16 PROSPECTIVE JUROR 175: Yes, ma'am.

17 THE COURT: It looks like the summons has not yet been
18 served.

19 PROSPECTIVE JUROR 175: They -- it does not look like that,
20 Your Honor.

21 THE COURT: Well, there's --

22 PROSPECTIVE JUROR 175: The proof of service hasn't been
23 filed yet, because it just came in yesterday, but it was served by the
24 Mohave County Arizona constable approximately a week ago. Not
25 County -- Sheriff.

1 THE COURT: Right. But they're going to have 20 days to
2 answer and then you have to have an early case conference.

3 PROSPECTIVE JUROR 175: Yes, Your Honor.

4 THE COURT: So it's --

5 PROSPECTIVE JUROR 175: I'm just saying they -- but
6 that's -- that is stuff that if I -- if COVID had never happened, it wouldn't
7 take a lot of my time to do. But with COVID and no staff -- no support
8 staff, it takes time. I just substituted in on a family law manner in
9 California, Los Angeles, that I have to be preparing an OSC to bifurcate
10 the case be -- to bifurcate the property issues, because we have a
11 premarital agreement that both sides seem to want to enforce, but the
12 other side doesn't want to enter into a partial judgment to take that off
13 the table.

14 THE COURT: All right.

15 PROSPECTIVE JUROR 175: So I have to be doing that.

16 THE COURT: Mr. Zavitsanos, I interrupted you. Do you have
17 more questions?

18 MR. ZAVITSANOS: No, Your Honor. You absolutely did not.
19 I have no other questions, Your Honor.

20 THE COURT: Mr. Roberts, do you have any questions for Mr.
21 Weissman?

22 MR. ROBERTS: No questions, Your Honor.

23 THE COURT: Thank you.

24 PROSPECTIVE JUROR 175: Thank you, Your Honor.

25 THE COURT: Thank you. Okay, let's bring in 244, please.

1 So Mr. Zavitsanos, without holding you to it, how much
2 longer do you think you'll need?

3 MR. ZAVITSANOS: Your Honor, I'm guessing maybe two to
4 three hours.

5 THE COURT: Thank you. Good morning, Ms. Stankoff.

6 PROSPECTIVE JUROR 244: Good morning.

7 THE COURT: You've indicated to the Marshal that you may
8 be requesting a hardship?

9 PROSPECTIVE JUROR 244: Yeah. I have -- I'm on medical --
10 under medical care for chronic migraines. I am taking injections once a
11 month and a few other pills to control it. It's going to affect my ability to
12 think and concentrate and make decisions. I did an MRI and an MRA and
13 I'm still waiting for the results. And I had just gotten off of a leave of
14 absence for like a month and a half, and I just started going back to work,
15 so I'm kind of on light duty right now.

16 THE COURT: And was the leave of absence related to your
17 health?

18 PROSPECTIVE JUROR 244: Correct. Yes.

19 THE COURT: And you work as a cashier?

20 PROSPECTIVE JUROR 244: Yes.

21 THE COURT: Yeah. And what is light duty when you're a
22 cashier?

23 PROSPECTIVE JUROR 244: Not to bend down, to pick heavy
24 things up. Right now, I'm just cashing out chips. Nothing too extreme.
25 But basically we do have to lift heavy coins --

1 THE COURT: Uh-huh.

2 PROSPECTIVE JUROR 244: -- and roll coin and things like
3 that.

4 THE COURT: Okay. Thank you. Plaintiff, do you have any
5 questions for Ms. Stankoff?

6 MR. ZAVITSANOS: No, Your Honor.

7 THE COURT: Defendant?

8 MR. ROBERTS: Yes. Ma'am, if you were excused from jury
9 service, would you be returning to work?

10 PROSPECTIVE JUROR 244: Yes.

11 MR. ROBERTS: And how long is your shift at work?

12 PROSPECTIVE JUROR 244: It's -- I work anywhere from 8:30
13 to 4:30, 9:00 to 5:00, or 10:00 to 6:00.

14 MR. ROBERTS: And is your medication currently controlling
15 your migraines?

16 PROSPECTIVE JUROR 244: Not really. They're trying to put
17 me on different things. So basically guinea pig right now. They tried
18 two different injections, so this one is kind of doing okay for me right
19 now, but they got me on three other different pills that I do take. And
20 they're not -- I'm already immune to them, so it's not really helping me
21 any on that.

22 MR. ROBERTS: Okay. Thank you, ma'am.

23 PROSPECTIVE JUROR 244: Thank you.

24 THE COURT: Thank you.

25 PROSPECTIVE JUROR 244: Thank you.

1 THE COURT: You may go back to the hall.

2 PROSPECTIVE JUROR 244: Okay. Thank you.

3 THE COURT: And 729, please. So she's an 18-year --
4 Salvatierra, 18-year resident. She works in the office staff for a
5 landscape company, and she's served before on a jury. Good morning,
6 Ms. Salvatierra.

7 PROSPECTIVE JUROR 729: Good morning.

8 THE COURT: So I understand you've said to the Marshal that
9 you'd like to have a hardship?

10 PROSPECTIVE JUROR 729: Yes. Good morning to all. I sent
11 the text to our HR coordinator yesterday to get a little bit more
12 information. I was under the misunderstanding that we got paid while in
13 jury duty, but unfortunately I was thinking while I worked at the MGM. I
14 currently work for a landscape company. And she came back saying that
15 we do get paid, but we only get paid for three days, for three days of jury
16 duty.

17 THE COURT: And would it be a financial hardship to you?

18 PROSPECTIVE JUROR 729: Yes, ma'am. I get \$21 an hour. I
19 usually work on average 45 hours a week. My husband does not work.
20 He just moved back from Boise, and he ended up with COVID the first
21 couple weeks. And he came back in September, so there was a delay in
22 him putting applications, because he had to quarantine. He's better now.

23 THE COURT: Good.

24 PROSPECTIVE JUROR 729: There is hopefully a job that is
25 asking for him, but they've yet to call him for orientation, so as of yet,

1 he's still not working.

2 THE COURT: Do you have other dependents?

3 PROSPECTIVE JUROR 729: I have a daughter who's 19, not
4 working. She just finished Pima Medical as a veterinary assistant, but
5 she has not found a job yet.

6 THE COURT: Does she still live at home?

7 PROSPECTIVE JUROR 729: Yes, ma'am.

8 THE COURT: Okay. Plaintiff, did you have any questions?

9 MR. ZAVITSANOS: No, Your Honor.

10 THE COURT: Defendant, do you have any questions?

11 MR. ROBERTS: No, Your Honor.

12 THE COURT: All right. Thank you. You may --

13 PROSPECTIVE JUROR 729: Thank you.

14 THE COURT: -- go back to the hall. Okay. Plaintiff.

15 MR. ZAVITSANOS: If I can get on my soapbox, Your Honor.

16 I always find it ironic people who do trial work trying to get out of jury
17 service. But again, I don't feel comfortable, given the importance of this
18 case, having someone on the jury that affirmatively, vigorously does not
19 want to be here. And I know that may not, you know -- that may not dot
20 all the I's and cross all the T's, but it is a real issue and I -- we're the
21 Plaintiff and I shouldn't be penalized by having to burn a preemptory on
22 that, particularly since we have a new panel today. So with some
23 reluctance, we agree to excuse the lawyer and we have no opposition to
24 the others.

25 THE COURT: Thank you. Mr. Roberts, do you need a

1 moment to confer with your team?

2 MR. ROBERTS: No, Your Honor. The -- I agree with the
3 soapbox position, and we're not willing to excuse the lawyer, badge
4 number 175, I believe. The two cases he gave are both settled. He was
5 unable to articulate any type of important trial date or something that
6 could not be worked around his trial schedule, and I also believe that
7 members of the Bar who are active officers of the Court have a special
8 duty to serve their community in this capacity when called upon.

9 THE COURT: He's self-employed, and he claims a financial
10 hardship. Actually, you know, I will --

11 MR. ROBERTS: Well, I understand, but he only listed about
12 three things he had to do in the next month, which given our dark days,
13 it would seem fairly easy for him to accomplish, but I understand if Your
14 Honor --

15 THE COURT: The case --

16 MR. ROBERTS: -- wants to excuse him.

17 THE COURT: -- he mentioned is the only one that appears
18 actively on the docket, so that -- you know, because I did an attorney
19 search for his cases. I will tell you guys how I feel about it. He doesn't
20 want to be here. If he participates in deliberations, he could hang a jury.
21 I --

22 MR. ZAVITSANOS: Well, he's also -- I'm sorry, Your Honor.
23 I --

24 THE COURT: Go ahead.

25 MR. ZAVITSANOS: My apologies. I did not mean to cut you

1 off. I'm so sorry.

2 THE COURT: Go ahead.

3 MR. ZAVITSANOS: May I respond?

4 THE COURT: Please.

5 MR. ZAVITSANOS: He's a lawyer and there's a high
6 degree -- there's a high chance that he will end up maybe being the
7 foreman, and so he's going into the jury deliberations knowing that he
8 made a plea to get off. He knows how this works. And again, this
9 necessarily penalizes the Plaintiff much more than it does the Defendant,
10 not because of who we are, just -- but just by -- yeah. And I know this
11 may not be reflected in the record, I'm just sensing a certain degree of
12 meanness with this gentleman. So the chance of him hanging the jury
13 just out of spite, I can't -- I can't point to something about that, I'm just
14 getting -- my spider sense is kind of going off about that.

15 THE COURT: He's an outlier.

16 MR. ZAVITSANOS: Yeah. Okay. So --

17 THE COURT: Mr. Roberts, you get the word.

18 MR. ROBERTS: Your Honor, all the things I heard are things
19 that lawyers use to decide how to exercise their peremptory strikes, and
20 frankly, you know, the -- if I have a jury box full of people who were glad
21 to be here, there's usually a reason why they're glad to be here and
22 that's to stick it to the Defendant. So I think, you know, we've got to just
23 evaluate this on whether Your Honor feels he's articulated an honest,
24 reasonable hardship in order to excuse him, and to me, it sounded like
25 he was trying to get out of jury service more than articulate a reasonable

1 hardship.

2 THE COURT: Well, he did indicate it would be a financial
3 hardship because he's self-employed, and he would have no income,
4 so --

5 MR. ROBERTS: He also articulated the two cases on docket,
6 and then admitted they're both settled.

7 THE COURT: Yeah, I know. I'm going to go ahead and
8 relieve him of jury duty. Let's talk about Stankoff now, with the
9 migraines.

10 MR. ZAVITSANOS: No opposition, Your Honor.

11 THE COURT: Mr. Roberts? Do you want a moment?

12 MR. ROBERTS: I hate a pattern, Your Honor, but while I
13 understand we've excused someone else with migraines who gets them
14 regularly and has to actually leave, she's currently working regular eight-
15 hour shifts, and if you excuse her from jury duty she's going back to
16 work, so --

17 THE COURT: Well, she's on light duty after a medical leave.

18 MR. ROBERTS: Right, but light duty she described is not
19 lifting. She's not allowed to lift over a certain amount --

20 THE COURT: Or bend over.

21 MR. ROBERTS: -- or bend down, so I would say jury duty is
22 pretty light duty when it comes to lifting and bending.

23 THE COURT: And what happens if she gets a migraine and
24 can't continue?

25 MR. ROBERTS: Then I imagine we have to go to an alternate

1 or we have to take a break for an afternoon, but she also indicated that
2 her current injections were doing pretty well controlling her migraines.

3 THE COURT: Okay. And a response?

4 MR. ZAVITSANOS: Yeah, the only thing I would say, Your
5 Honor, is I think she checks the boxes, and we do have another panel in
6 here today, and given the concern about timing here, which is real, we
7 have to finish by Thanksgiving, taking an afternoon off to see if she
8 recovers, you know, I think that would cause -- frankly, I think that would
9 cause undue hardship to both sides.

10 THE COURT: Yeah, I don't think it's time yet to let her go,
11 only for the reasons articulated by Mr. Roberts. She would go back to
12 light duty, this would be the equivalent of light duty, she's -- her pain
13 management is under control at this point, so I think we don't let her go
14 just yet. How about Salvatierra? She's articulated a financial hardship.

15 MR. ZAVITSANOS: Is this the lady with the landscaping.

16 THE COURT: Landscaping company.

17 MR. ZAVITSANOS: Yeah. Yeah. I think she articulated a
18 basis, so I -- and she was under, I guess, the mistaken impression that
19 she was going to get paid, and she's not, so -- and I know this
20 community has been particularly hard-hit financially, so we don't object.

21 THE COURT: Mr. Roberts?

22 MR. ROBERTS: We agree, Your Honor, given her disclosure
23 that she only gets paid three days and going to be a hardship on her. I
24 do wish more employers would pay people when they get summoned.

25 THE COURT: Small businesses, it's really hard for them.

1 MR. ROBERTS: Yes.

2 THE COURT: All right. So we are going to excuse -- thank
3 and excuse Albert Smith, Kenneth Weissman, and Blanca Salvatierra.

4 MR. ZAVITSANOS: And Your Honor, would you be so kind
5 as to maybe give us the numbers, please, just so we're not --

6 THE COURT: Of course. 555, Albert Smith; Weissman, 175;
7 Salvatierra, 729.

8 MR. ZAVITSANOS: Okay. Thank you.

9 THE COURT: Okay. Now, Marshal, as soon as you're ready.

10 THE MARSHAL: Okay, Your Honor.

11 MR. ZAVITSANOS: And Your Honor, we'll be able to -- well, I
12 guess we could question then the ones that you did not excuse to
13 explore the hardship further?

14 THE COURT: Certainly. And after we bring them in and
15 excuse, I will reorder, so we have 24 in the box.

16 MR. ZAVITSANOS: Got it.

17 [Pause]

18 THE MARSHAL: All rise for the jury.

19 [Prospective jurors in at 10:16 a.m.]

20 THE COURT: Thank you. Please be seated. Good morning,
21 everyone.

22 IN UNISON: Good morning.

23 THE COURT: Welcome to Wednesday. Okay. So we have
24 talked to some of you outside the presence of the other members. I'll
25 ask the following people to please stand. Albert Smith, 555; Mr.

1 Weissman, 175; and Ms. Salvatierra, 729. The three of you have
2 indicated -- after consultation with the attorneys I have determined that
3 requiring you to serve on the jury would create a hardship for you, and
4 for that reason you will be excused from serving on this jury. Thank you
5 very much for being willing to serve your community and best wishes to
6 all of you.

7 UNIDENTIFIED PROSPECTIVE JUROR: Thank you, Your
8 Honor.

9 THE COURT: And Marshal Allen, we're going to need to
10 reorder. Thank you.

11 [Pause]

12 THE COURT: And I would request he reorder in the back
13 since we have another panel coming in.

14 THE MARSHAL: Just leave the panel?

15 THE COURT: No, reorder in the -- yeah.

16 THE MARSHAL: Reorder. Yes, ma'am.

17 THE COURT: Thank you.

18 THE MARSHAL: Okay.

19 [Pause]

20 THE COURT: Thank you. And I would say this is a good time
21 to go get the new panel?

22 THE MARSHAL: Yes, ma'am.

23 THE COURT: Thank you. Okay. Mr. Zavitsanos, will you
24 please continue with your voir dire?

25 MR. ZAVITSANOS: Oh, yes, Your Honor. Thank you, Your

1 Honor. May I proceed?

2 THE COURT: Please.

3 MR. ZAVITSANOS: Thank you. May it please the court and
4 counsel. Good morning.

5 IN UNISON: Good morning

6 MR. ZAVITSANOS: Okay. Welcome. Okay. So my friend,
7 Mr. Leyendecker, my colleague, he's the one in the interesting jacket
8 back there.

9 MR. LEYENDECKER: Doesn't need batteries.

10 MR. ZAVITSANOS: Yeah. Okay. So he told me I talked too
11 much yesterday, and we need to hear more from you, so I'm going to try
12 to grant him his wish here. Okay. And I want to start out by getting back
13 to this concept of the implied contract.

14 Now I'm addressing this to everybody, okay, including our
15 folks that -- patiently being here in the back. Okay? So how many
16 people have been in a taxicab? Come on, I know it's pretty much
17 everybody, right? Who has not been in a taxicab ever? Okay. Must be
18 an age thing, I guess, so okay. So, all right.

19 You take an airplane, you go to another city, you're at the
20 airport, you don't have a rental car, you get in the cab, there's not a flat
21 fee, you go to your destinations, and then you got to pay the charge.
22 Right? Now here's what I want to know.

23 How many people, and I'm going to kind of start in the back,
24 and tell me if you lean one way or the other on this example with the
25 taxicab, how many people here that have been in a cab, just get in the

1 cab, and then whatever the bill charges on the meter, that's what you
2 pay versus before you get in the cab, you ask the cab driver, hey, how
3 much is this going to cost me? And I'm not saying what you should do,
4 I'm saying kind of in practice what you do. Everybody understand me?
5 Okay.

6 So let's start in the back, and I think we're going to have to
7 pass the microphone back. Thank you very much. And that's kind of an
8 agreement, right? I mean, you got an agreement, you're going to pay --

9 MR. ROBERTS: Objection, Your Honor.

10 THE COURT: Rephrase.

11 MR. ZAVITSANOS: Yes. That's it. I'm just going to move
12 on, Your Honor.

13 THE COURT: Thank you.

14 MR. ZAVITSANOS: Okay. So go ahead and tell me what you
15 think.

16 PROSPECTIVE JUROR 074: 074, Nerissa Gonzaga, I pay the
17 first way, so whatever they charge is what I pay.

18 MR. ZAVITSANOS: Okay. So you -- that's the way you lean.
19 You don't --

20 PROSPECTIVE JUROR 074: Yes.

21 MR. ZAVITSANOS: -- you don't try to ask them what it's
22 going to cost?

23 PROSPECTIVE JUROR 074: No.

24 MR. ZAVITSANOS: Okay. Let's move on down. And your
25 number, please?

1 PROSPECTIVE JUROR 141: 141. Same. I would rarely ask; I
2 would just pay.

3 MR. ZAVITSANOS: Okay. Whatever it is. Okay. On the --
4 okay. Thank you.

5 PROSPECTIVE JUROR 283: 283, and I just pay whatever it is.

6 MR. ZAVITSANOS: Okay.

7 PROSPECTIVE JUROR 401: 401. I always ask how much it's
8 going to be.

9 MR. ZAVITSANOS: Before you get into the cab?

10 PROSPECTIVE JUROR 401: Yeah.

11 MR. ZAVITSANOS: Okay. And you've done that, actually?

12 PROSPECTIVE JUROR 401: I have.

13 MR. ZAVITSANOS: Okay. Thank you, ma'am.

14 PROSPECTIVE JUROR: 522, and I would just pay what they
15 asked.

16 MR. ZAVITSANOS: Okay. What was on the meter?

17 PROSPECTIVE JUROR 522: Right.

18 MR. ZAVITSANOS: All right. Okay.

19 PROSPECTIVE JUROR 494: 494, I would ask the cab for a
20 ballpark fare on what it would cost.

21 MR. ZAVITSANOS: Okay. So is that what you've done or?

22 PROSPECTIVE JUROR 494: That's what I do. That's what I
23 would do.

24 MR. ZAVITSANOS: That what you do. Okay. Thank you, sir.
25 And you, now you've not been in a cab, right?

1 PROSPECTIVE JUROR 450: No, no.

2 MR. ZAVITSANOS: These yellow things?

3 PROSPECTIVE JUROR 450: Juror --

4 MR. ZAVITSANOS: You're an Uber person, right?

5 PROSPECTIVE JUROR 450: Yeah.

6 MR. ZAVITSANOS: Okay. All right. Got it.

7 PROSPECTIVE JUROR 450: 450. I would ask first before I
8 would take a ride.

9 MR. ZAVITSANOS: Got it. Okay. Thank you.

10 PROSPECTIVE JUROR 404: 404. I haven't ridden in a cab for
11 probably 40 years, but back when I would get into a cab I would say, you
12 know, I've got \$40, is that going to cover it, you know, because I didn't
13 want to get to the end and find out it was 42 --

14 MR. ZAVITSANOS: Got it.

15 PROSPECTIVE JUROR 404: -- or something like that.

16 MR. ZAVITSANOS: Okay. Thank you.

17 PROSPECTIVE JUROR 404: Yup.

18 PROSPECTIVE JUROR 532: Randy Meyer, 532. I've only
19 been in a cab a few times, and the only one time I really asked ahead of
20 time, do you -- give me approximate, was a longer trip, but I've had trips
21 where I've gone, like, you'd say to the airport, hop in a cab, and you
22 know you're only going to go three blocks or four blocks with your
23 luggage, then I just paid whatever it was.

24 MR. ZAVITSANOS: Okay. Thank you, sir.

25 PROSPECTIVE JUROR 564: 564. I've only been in a cab a

1 couple of times, and I always ask just a roundabout ballpark figure.

2 MR. ZAVITSANOS: Got it.

3 PROSPECTIVE JUROR 564: Yeah.

4 MR. ZAVITSANOS: Okay.

5 PROSPECTIVE JUROR 590: 590. I just pay the fee.

6 MR. ZAVITSANOS: Okay. Thank you.

7 PROSPECTIVE JUROR 593: 593. I'll pay what's on the meter.

8 MR. ZAVITSANOS: Thank you.

9 PROSPECTIVE JUROR 095: 095, I pay what's on the meter.

10 MR. ZAVITSANOS: Okay. Thank you.

11 PROSPECTIVE JUROR 093: 093. I've only been in a cab a
12 couple of times, and I think I just pay what's on the meter. I mean, you
13 kind of know an idea because the cabs, they used to have a sticker on
14 them or something on their door that said --

15 MR. ZAVITSANOS: The rate.

16 PROSPECTIVE JUROR 093: -- this is the rate, you know, so
17 you kind of already know what it's going to be. You know how far away
18 your --

19 MR. ZAVITSANOS: Right.

20 PROSPECTIVE JUROR 093: -- your total's going to be.

21 MR. ZAVITSANOS: Okay. So I think what you're talking
22 about is there are some destinations that have a flat rate, and I'm not
23 talking about that. I'm talking about if you're going somewhere other
24 than where that flat rate is, where it's not --

25 PROSPECTIVE JUROR 093: Yeah. They usually say this is

1 the starting rate, and then it's whatever, a dollar for each additional
2 mile --

3 MR. ZAVITSANOS: Okay.

4 PROSPECTIVE JUROR 093: -- or whatever it is, so you kind of
5 can figure that out yourself what it's going to be.

6 MR. ZAVITSANOS: Okay.

7 PROSPECTIVE JUROR 093: So I just pay what they say.

8 MR. ZAVITSANOS: Okay. Thank you.

9 PROSPECTIVE JUROR 082: 082. I've never been in a cab.

10 MR. ZAVITSANOS: Okay.

11 PROSPECTIVE JUROR: I'm an Uber person, too.

12 MR. ZAVITSANOS: Got it. Okay.

13 PROSPECTIVE JUROR 082: So I like to know what I'm going
14 to pay.

15 MR. ZAVITSANOS: Okay. Thank you.

16 PROSPECTIVE JUROR 049: 049. I've paid the flat rate or paid
17 the cab.

18 MR. ZAVITSANOS: Pay what's on the meter?

19 PROSPECTIVE JUROR 049: Yes.

20 MR. ZAVITSANOS: Okay. You don't ask ahead of time?

21 PROSPECTIVE JUROR 049: No.

22 MR. ZAVITSANOS: Okay. Thank you.

23 PROSPECTIVE JUROR 048: 048. Generally, I just pay what's
24 on the meter, but if it's going to be a longer trip I will try to get at least a
25 ballpark idea.

1 MR. ZAVITSANOS: Got it. Thank you.

2 PROSPECTIVE JUROR 038: 038. I will pay what's on the
3 meter, but I have to admit, I did check the meter one time, honestly.

4 MR. ZAVITSANOS: You checked the meter?

5 PROSPECTIVE JUROR 038: Yes.

6 MR. ZAVITSANOS: Okay. All right.

7 PROSPECTIVE JUROR 026: 026, and I don't ride in taxis so I
8 wouldn't tell -- couldn't tell you what I'd do.

9 MR. ZAVITSANOS: All right. Okay. Thank you.

10 PROSPECTIVE JUROR 114: 114. I didn't get to pay it. It was
11 my Auntie.

12 MR. ZAVITSANOS: Okay. Thank you.

13 PROSPECTIVE JUROR 116: 116. I usually pay what's on the
14 meter. It's been a long time, but I mean, if it is a longer ride, then I will
15 ask, also, what the ballpark is.

16 MR. ZAVITSANOS: Thank you.

17 PROSPECTIVE JUROR 130: 130. Just for longer rides I
18 usually asked.

19 MR. ZAVITSANOS: Okay.

20 PROSPECTIVE JUROR 130: Other than that, pay it.

21 MR. ZAVITSANOS: Okay. Got it.

22 PROSPECTIVE JUROR 161: 161. I just normally pay it
23 because every time I'm in a cab it's always a short ride.

24 MR. ZAVITSANOS: Got it Thank you.

25 PROSPECTIVE JUROR 217: 217. I haven't been in many cabs

1 with meters, so I don't think -- like I haven't done it before.

2 MR. ZAVITSANOS: Okay.

3 PROSPECTIVE JUROR 217: Not in cabs.

4 MR. ZAVITSANOS: Okay. Thank you, sir. Thank you. Okay.

5 So before I move on, a couple of follow up questions for a couple of
6 folks. I'm going to start with you. Okay. So we talked about your team.

7 PROSPECTIVE JUROR 026: Yes, sir.

8 MR. ZAVITSANOS: And you said -- how long has it been
9 since you all have been this successful or gotten to the point where you
10 are now?

11 PROSPECTIVE JUROR 026: It's been ten years. If we win one
12 more game, we'll break the school record for wins.

13 MR. ZAVITSANOS: Okay. So here's the deal, and I just need
14 you to be 100 percent straight up with me, as you have been.

15 PROSPECTIVE JUROR 026: Okay.

16 MR. ZAVITSANOS: Okay. So if you end up on the jury, do
17 you think your mind is going to be thinking about, oh, man I wish I was
18 out there. I wonder what's going on with these kids. They're -- you
19 know, I wonder if they're executing these plays right. And you find
20 yourself, because you're here, you know, you asked to get off for
21 hardship, and you end up on the jury, and you find that maybe your
22 mind is going to be kind of drifting out there. And it's not going to be
23 fair to either side, because we're not going to get your undivided
24 attention like for example if this was during the off season?

25 PROSPECTIVE JUROR 026: I mean to be 100 percent honest

1 with you?

2 MR. ZAVITSANOS: Yes, sir.

3 PROSPECTIVE JUROR 026: Yeah, I mean I talked to the
4 coaches after practice yesterday, and they said practice didn't go very
5 well. And we're trying to, you know, win and the kids said practice was
6 sluggish yesterday. So yeah, I mean, there's a part of me that's, you
7 know, I'm looking at the clock going, we would be at practice right now.
8 We would be starting kick offs. We would be doing special teams. You
9 know, so yes, my mind is thinking what I would be doing right now with
10 my team trying to get the kids ready to play and compete.

11 MR. ZAVITSANOS: Okay. So here is the deal, right. I mean
12 we're all human beings.

13 PROSPECTIVE JUROR 026: Yeah.

14 MR. ZAVITSANOS: We all have our thoughts drift off, even
15 when we're doing something important. Everybody does that. My
16 question to you is do you think that your thoughts are going to go
17 actually above that, where you're going to be like really kind of thinking
18 about that, and not really focusing on the evidence.

19 PROSPECTIVE JUROR 026: I mean --

20 MR. ZAVITSANOS: Like maybe you would -- like maybe you
21 would again if this were the off season.

22 PROSPECTIVE JUROR 026: If this was the off season, I --
23 yeah, I mean I could probably -- I could separate it. But no, not where
24 we're at right now, I don't think -- I don't think honestly I'll be able to
25 completely dive into what you guys are presenting. I think part is always

1 going to be thinking about --

2 MR. ZAVITSANOS: Okay.

3 PROSPECTIVE JUROR 026: -- what my team's doing.

4 MR. ZAVITSANOS: So and I hate to put you on the spot.

5 PROSPECTIVE JUROR 026: No, you're good.

6 MR. ZAVITSANOS: And I'm not trying to embarrass you.

7 PROSPECTIVE JUROR 026: No, you're good, man.

8 MR. ZAVITSANOS: Okay.

9 PROSPECTIVE JUROR 026: I don't embarrass easy.

10 MR. ZAVITSANOS: Okay. Okay. That's two of us. Okay.

11 You ought to hear -- you ought to hear the chatter over here when we're
12 outside the courtroom. Anyway, so here's the deal, right. Okay. I mean
13 do you think that as the evidence is coming in, it is more likely so -- we're
14 going to use the preponderance standard.

15 PROSPECTIVE JUROR 026: Okay.

16 MR. ZAVITSANOS: It's more likely so than not, that you're
17 not going to be able to pay attention to some of the evidence because of
18 what we're talking about right now. And I'm not talking about --

19 PROSPECTIVE JUROR 026: I would say if you're talking --

20 MR. ZAVITSANOS: Yeah.

21 PROSPECTIVE JUROR 026: -- preponderance standard, 51
22 percent of my brain is going to be at practice with my team and 49
23 percent of my brain will be here.

24 MR. ZAVITSANOS: Okay.

25 PROSPECTIVE JUROR 026: If that's -- if that's your level, you

1 know, when you were talking yesterday percentages.

2 MR. ZAVITSANOS: Yes, sir. And therefore, whether it's the
3 Defendants and these fine lawyers or our --

4 PROSPECTIVE JUROR 026: Yeah, it doesn't matter which
5 one you guys is talking --

6 MR. ZAVITSANOS: Okay.

7 PROSPECTIVE JUROR 026: -- that's not --

8 MR. ZAVITSANOS: And you think that's likely to happen
9 where -- more likely so than not, that if some important evidence comes
10 in, you're just going to miss it.

11 PROSPECTIVE JUROR 026: I think that that's highly possible,
12 yes.

13 MR. ZAVITSANOS: Okay.

14 PROSPECTIVE JUROR 026: Especially depending on what
15 time of the day it is, and stuff like that. Like if we're supposed to be at
16 practice.

17 MR. ZAVITSANOS: Okay. Okay. Thank you, sir. Thank you,
18 very much. Okay. So let me just do this real quick to the two new folks.
19 I'm not going to go back through all the questions. I just -- were you all
20 in the room yesterday when I did the multiple choice thing?

21 Okay. So I'm going to give you all the test, okay, as well, if
22 you don't mind. And so the first one was healthcare crisis. It's A, the
23 doctors are to blame; B, the insurance companies are to blame, C, both,
24 or D, I need more information. I don't have a firm opinion on that. So
25 let's start with you, sir. What's your number?

1 PROSPECTIVE JUROR 161: 161. Both, C.

2 MR. ZAVITSANOS: Okay. And you, sir?

3 PROSPECTIVE JUROR 217: 217, D. D as in dog.

4 MR. ZAVITSANOS: D as in dog, okay. Thank you, sir. Okay.

5 All right. You know, with these masks it's hard to understand people
6 sometimes. Okay, so here we are. Next is on the issue of the ACA, okay,
7 the Obamacare. So we've got three choices. A, It's good for the country;
8 B, it's a bad idea; and C, I'm not sure, I need more details. So sir, since
9 you're holding the mic, let's start with you.

10 PROSPECTIVE JUROR 217: 217, C.

11 MR. ZAVITSANOS: C, okay.

12 PROSPECTIVE JUROR 161: 161, C.

13 MR. ZAVITSANOS: Thank you, sir. Okay. Okay, now I'm
14 going to move on, and this is directed to everybody, okay. Okay. So --
15 all right. So when you have health insurance, right, in terms of kind of
16 the finances, there tend to be kind of three parts, right. The first is your
17 co-pay, right. Everybody knows what that is, right? The other part is
18 your deductible. Anybody does not understand what a deductible is on
19 your health insurance? If you go out of network you've got to spend so
20 much money before the insurance company is on the hook to start
21 picking up the coverage. Does anybody not understand that?

22 Okay. And then the third part is the part that is the rest of
23 the -- is the rest of the charge for the service. Okay. Now here's the
24 question. Does anybody know what balanced billing is? Okay. Let me
25 give you kind of a definition here. And I want to know if you've ever kind

1 of been through something like this. So let's say -- let's use a round
2 number here. Let's say that the charge is \$1,000, okay. And the
3 insurance company has determined that only, say just as an example,
4 \$400 is what they want to pay. Okay. That's what they determine to be
5 reasonable. So now you've got a deficit of \$600. Okay. How many
6 people have gotten a bill for the difference when you're out of network,
7 like in an emergency room where they're not in network. How many
8 people have gotten a bill for that difference? Do you follow me?

9 Okay. So here's what we're going to do. We're going to
10 start -- let me get a show of hands first, and let's just quickly identify who
11 has received such a bill. And I'm going to go through and ask
12 everybody. Let's start in the back row. Number, please.

13 PROSPECTIVE JUROR 401: 401.

14 MR. ZAVITSANOS: 401.

15 PROSPECTIVE JUROR 283: 283.

16 MR. ZAVITSANOS: 283.

17 PROSPECTIVE JUROR 283: Yes.

18 MR. ZAVITSANOS: Okay. Anybody else in the first row?

19 Second row? Yes.

20 PROSPECTIVE JUROR 450: 450.

21 MR. ZAVITSANOS: I'm sorry.

22 PROSPECTIVE JUROR 450: 450.

23 MR. ZAVITSANOS: 450, thank you. In the third row?

24 Nobody. Okay. Next row.

25 PROSPECTIVE JUROR 082: 082.

1 MR. ZAVITSANOS: 082.

2 PROSPECTIVE JUROR 095: 095.

3 MR. ZAVITSANOS: 095. Anybody else here? Yes.

4 PROSPECTIVE JUROR 048: 048.

5 MR. ZAVITSANOS: 048.

6 PROSPECTIVE JUROR 026: 026.

7 MR. ZAVITSANOS: 026. And then the front row? Anybody
8 here? Okay.

9 PROSPECTIVE JUROR 217: 217.

10 MR. ZAVITSANOS: Thank you, sir.

11 PROSPECTIVE JUROR 161: 161.

12 MR. ZAVITSANOS: Thank you.

13 PROSPECTIVE JUROR 130: 130.

14 MR. ZAVITSANOS: 130. Okay. We're going to start in the
15 back. Okay, so do you have a mic?

16 PROSPECTIVE JUROR 401: I do.

17 MR. ZAVITSANOS: Okay. Great. All right. So this issue
18 about balance billing, getting a bill for the balance, or the difference.
19 That's a big issue in this case. And I can't get into why, you know,
20 because I got to -- I got to stay in my lane, like I said, right. But tell me
21 about your experience with that. Give me -- and I don't want you to
22 divulge any medical information, but just tell me generally what
23 happened, and whether it was resolved. What the issue was.

24 PROSPECTIVE JUROR 401: Well, we ended up paying for it.

25 THE COURT: Badge number, please.

1 PROSPECTIVE JUROR 401: Oh, 401. So we took my
2 daughter to the emergency room a few years ago, and we had to pay the
3 difference or whatever, but we just ended up paying it.

4 MR. ZAVITSANOS: Okay. So -- and was this your
5 deductible, or was this something above the deductible? Do you know?

6 PROSPECTIVE JUROR 401: It was -- I think it was a few years
7 ago, I don't remember very well, but I think if you -- at the time with the
8 insurance we had, if we went to an emergency room instead of going to
9 our regular doctor, there would be some kind of fee because it was an
10 emergency room.

11 MR. ZAVITSANOS: Okay. Was it a surprise to you that you
12 got that bill?

13 PROSPECTIVE JUROR 401: No.

14 MR. ZAVITSANOS: Okay.

15 PROSPECTIVE JUROR 401: No, we already knew that we had
16 to take her. So we went no matter what.

17 MR. ZAVITSANOS: Did you -- did you try to do anything
18 before you paid it? Like, for example, call the insurance company, call
19 the hospital --

20 PROSPECTIVE JUROR 401: No, we didn't.

21 MR. ZAVITSANOS: -- or the doctor, or anything like that?

22 PROSPECTIVE JUROR 401: No, we didn't.

23 MR. ZAVITSANOS: Okay.

24 PROSPECTIVE JUROR 401: Because we knew ahead of time
25 what we were getting into.

1 MR. ZAVITSANOS: Okay. All right. Thank you. Okay. Yes.
2 You had raised your hand, right?

3 PROSPECTIVE JUROR 283: Yes.

4 MR. ZAVITSANOS: Yes, go ahead.

5 PROSPECTIVE JUROR 283: 283.

6 MR. ZAVITSANOS: Yes, ma'am.

7 PROSPECTIVE JUROR 283: I went to the emergency room
8 and got a bill for a lot of money, and I just ended up paying it.

9 MR. ZAVITSANOS: Okay, who is -- if you don't mind my
10 asking, who was your insurance company?

11 PROSPECTIVE JUROR 238: I think it had Aetna.

12 MR. ZAVITSANOS: Aetna.

13 PROSPECTIVE JUROR 238: Yeah.

14 MR. ZAVITSANOS: Okay. And do you know whether you
15 got one of these explanation of benefits, EOBs?

16 PROSPECTIVE JUROR 238: No, I don't think so.

17 MR. ZAVITSANOS: Okay. Did you do anything when you
18 got that bill?

19 PROSPECTIVE JUROR 238: No.

20 MR. ZAVITSANOS: Did you take any action?

21 PROSPECTIVE JUROR 238: No.

22 MR. ZAVITSANOS: Did you pay it out over time, or did you
23 just pay it?

24 PROSPECTIVE JUROR 238: Yeah, over time.

25 MR. ZAVITSANOS: Okay. Okay. Did you look at like your

1 health insurance policy to see if it was covered or not, or --

2 PROSPECTIVE JUROR 238: Well, it had like how much the
3 insurance covered, and then it had whatever was left.

4 MR. ZAVITSANOS: Okay. And so do you know whether that
5 was your deductible or was that something other than the deductible, or
6 maybe both?

7 PROSPECTIVE JUROR 238: I think it might have been both.

8 MR. ZAVITSANOS: Okay. And do you have any -- do you
9 have any feelings on that?

10 PROSPECTIVE JUROR 238: I mean it was a lot of money so
11 that kind of sucked, but --

12 MR. ZAVITSANOS: Okay. Now was this bill, was it from the
13 hospital or was it from the doctors?

14 PROSPECTIVE JUROR 238: It was from the hospital.

15 MR. ZAVITSANOS: Okay. And what -- I'm sorry, what
16 hospital was that?

17 PROSPECTIVE JUROR 238: I think it was Mountainview.

18 MR. ZAVITSANOS: Mountainview, okay.

19 PROSPECTIVE JUROR 238: Yeah.

20 MR. ZAVITSANOS: And I think I explained this yesterday.
21 There's a different bill from the doctor versus the hospital.

22 PROSPECTIVE JUROR 238: Yeah.

23 MR. ZAVITSANOS: This is the hospital bill?

24 PROSPECTIVE JUROR 238: Yeah.

25 MR. ZAVITSANOS: Okay. Did you call -- did you call the

1 hospital --

2 PROSPECTIVE JUROR 238: No.

3 MR. ZAVITSANOS: -- about it?

4 PROSPECTIVE JUROR 238: No.

5 MR. ZAVITSANOS: Okay. Okay. Okay. Anybody else in the
6 back row that got one of these balance bills? Okay, next row down.

7 Okay. Okay. So same series of questions. Just tell me -- tell me what
8 happened.

9 PROSPECTIVE JUROR 450: Number 450. Same thing. I had
10 went to -- it was some years back I went to emergency, and they sent me
11 a bill. And I pretty much had to pay the difference because the insurance
12 covered so much of it.

13 MR. ZAVITSANOS: Okay, who was your insurance, sir?

14 PROSPECTIVE JUROR 450: At the time I was working at the
15 hotel. It was like a PPO insurance I had. I can't remember the --

16 MR. ZAVITSANOS: Would you just speak up just a little?

17 PROSPECTIVE JUROR 450: Oh, sorry.

18 MR. ZAVITSANOS: That's okay. That's okay. Just, you
19 know, just I want to make sure that they get down what you're saying.

20 PROSPECTIVE JUROR 450: Yes. It was a PPO insurance. I
21 can 't remember the name of the company I had. It was some years ago.

22 MR. ZAVITSANOS: Okay. Did you -- was this -- do you
23 remember whether -- and maybe you don't. But do you remember
24 whether this was from the hospital or was this from the doctors?

25 PROSPECTIVE JUROR 450: It was from the hospital.

1 MR. ZAVITSANOS: Okay. Did you get a bill from the
2 doctors?

3 PROSPECTIVE JUROR 450: I did.

4 MR. ZAVITSANOS: Okay. And what happened to that bill?

5 PROSPECTIVE JUROR 450: I think the insurance, they
6 covered most of it and then I had to cover something, whatever was left
7 over it was on me to pay for it or it was something like that.

8 MR. ZAVITSANOS: Okay. And were either of those bills a
9 surprise to you or were you expecting them?

10 PROSPECTIVE JUROR 450: I kind of expected it since I was
11 in emergency.

12 MR. ZAVITSANOS: Okay. Did you take any action when you
13 got those bills? Like call your insurance company, or call the hospital, or
14 the doctors, or do anything like check your policy to see if it was
15 calculated right or --

16 PROSPECTIVE JUROR 450: Yeah, I did.

17 MR. ZAVITSANOS: All right, tell me about that.

18 PROSPECTIVE JUROR 450: Just pretty much just had them
19 go over my policy just to make sure like it was charged correctly because
20 at the time I wasn't really too familiar with how our insurance worked.
21 But they --

22 MR. ZAVITSANOS: Who did you check with?

23 PROSPECTIVE JUROR 450: My insurance company.

24 MR. ZAVITSANOS: Okay. So you called them?

25 PROSPECTIVE JUROR 450: Yes.

1 MR. ZAVITSANOS: How many times?

2 PROSPECTIVE JUROR 450: I think it was probably one --
3 probably the one time once I got the bill.

4 MR. ZAVITSANOS: Okay.

5 PROSPECTIVE JUROR 450: To make sure it was correct.

6 MR. ZAVITSANOS: And did you actually look at your policy
7 or did you just talk it through on the phone?

8 PROSPECTIVE JUROR 450: Just talked with them on the
9 phone.

10 MR. ZAVITSANOS: Okay. And what did -- what did they tell
11 you? Do you remember what they told you, generally?

12 PROSPECTIVE JUROR 450: Generally, like once I -- they
13 cover so much. Like once I reach a certain amount, then whatever is -- it
14 was something like I guess whatever was left over, I was responsible for
15 whatever was not paid for, I guess, or something like that.

16 MR. ZAVITSANOS: Okay. And maybe you don't know,
17 okay --

18 PROSPECTIVE JUROR 450: Yeah.

19 MR. ZAVITSANOS: -- but let me just ask. So there's a
20 difference between a deductible --

21 PROSPECTIVE JUROR 450: Yeah.

22 MR. ZAVITSANOS: -- okay, and the remaining -- the
23 remaining part of the charge.

24 PROSPECTIVE JUROR 450: Right.

25 MR. ZAVITSANOS: Do you know whether the amount you

1 got billed for was just the deductible, or did it include both? Like the
2 insurance company wanted to pay less than -- you know, they
3 determined a rate below they felt was appropriate.

4 PROSPECTIVE JUROR 450: I think they just paid the -- it was
5 the deductible amount that they --

6 MR. ZAVITSANOS: Just the deductible amount?

7 PROSPECTIVE JUROR 450: Yeah. And then --

8 MR. ZAVITSANOS: Okay.

9 PROSPECTIVE JUROR 450: -- so, I don't if that makes sense.

10 MR. ZAVITSANOS: Okay. Okay. Okay. Next row? Anybody
11 in the next row? No. Okay, next row. I think we had a couple of hands
12 in the second row. Yeah, so let's pass the mic down, please. Thank
13 you, very much. Okay. So let's go right here. Okay. Juror number,
14 please.

15 PROSPECTIVE JUROR 048: 048. I've had several instances;
16 different hospital stays and some of them I called the insurance
17 company. Some I ignored and went to collections. Some of those then I
18 called the collections to try to work out a payment deal. So it's been a
19 variety and a variety of insurance companies.

20 MR. ZAVITSANOS: Okay. So it sounds like you've had kind
21 of multiple instances where this has happened, right?

22 PROSPECTIVE JUROR 048: Yes.

23 MR. ZAVITSANOS: Okay. So as best as you can remember,
24 did this involve bills from the hospital or from the doctors? And I-- and
25 I'm including emergency room doctors, radiologists, anesthesiologists,

1 you know.

2 PROSPECTIVE JUROR 048: More the doctors.

3 MR. ZAVITSANOS: This is from the doctors?

4 PROSPECTIVE JUROR 048: More of --

5 MR. ZAVITSANOS: Okay. More of the instances were from
6 doctors?

7 PROSPECTIVE JUROR 048: Yes.

8 MR. ZAVITSANOS: Okay. And -- okay. And were you
9 surprised by the amounts?

10 PROSPECTIVE JUROR 048: Yes.

11 PROSPECTIVE JUROR 048: Yes. I wasn't necessarily
12 surprised that there was an additional charge, although on some of them
13 I was surprised by that. And yeah, the amount, you know, it kind of
14 seemed like, wait, didn't I pay for that in this part of it. So --

15 MR. ZAVITSANOS: Okay.

16 PROSPECTIVE JUROR 048: -- there's -- yeah, there was some
17 confusion in some of them.

18 MR. ZAVITSANOS: Okay. So I think we all agree that when it
19 comes to health insurance with these policies, and these plans, and all
20 this medical jargon, it can get a little confusing. Do you agree?

21 PROSPECTIVE JUROR 048: Yes.

22 MR. ZAVITSANOS: Okay. Did you try to line up like the
23 policy and if it was an employer sponsored thing, like your summary
24 plan description and your health insurance thing to try to figure out
25 whether you were receiving all the benefits to which you'd be entitled for

1 those -- these hospitalizations? Did you try to do that?

2 PROSPECTIVE JUROR 048: Not that, but I do remember
3 calling the insurance company, questioning --

4 MR. ZAVITSANOS: And what --

5 PROSPECTIVE JUROR 048: -- certain amounts.

6 MR. ZAVITSANOS: Okay.

7 PROSPECTIVE JUROR 048: And I don't remember which
8 insurance at that point.

9 MR. ZAVITSANOS: Okay. Were you satisfied with their
10 answers or were you frustrated?

11 PROSPECTIVE JUROR 048: I was frustrated.

12 MR. ZAVITSANOS: Did you call any of the healthcare
13 providers, whether the hospital, the doctors, or otherwise?

14 PROSPECTIVE JUROR 048: I don't think so.

15 MR. ZAVITSANOS: Okay. So given the fact that -- you've
16 been through this several times it sounds like, right?

17 PROSPECTIVE JUROR 048: Uh-huh.

18 MR. ZAVITSANOS: Do you think that, at least for the doctors
19 -- okay. I'm not going to speak for the hospital, but for the doctors, since
20 we generate those charges, okay, are you -- are we starting out a little bit
21 behind because of the frustration that you had with these bills?

22 PROSPECTIVE JUROR 048: I don't think so, because this was
23 quite a few years ago. And more recent experiences have gone a lot
24 better. And I think that's more at the foreground of my thinking.

25 MR. ZAVITSANOS: What do you mean it's gone better?

1 PROSPECTIVE JUROR 048: Just not as many hassles. More
2 was covered. You know, I didn't necessarily have questions about
3 charges, you know. It seemed to fall into place more.

4 MR. ZAVITSANOS: And which insurance company are we
5 talking about now?

6 PROSPECTIVE JUROR 048: Medicaid. Well, Health Plan of
7 Nevada, Medicaid, and Medicare.

8 MR. ZAVITSANOS: Okay. So -- and I'm sorry. Remind me
9 again. Are you on Medicare now?

10 PROSPECTIVE JUROR 048: Yes.

11 MR. ZAVITSANOS: Okay. Okay. Okay. So you don't have
12 private insurance now?

13 PROSPECTIVE JUROR 048: No.

14 MR. ZAVITSANOS: Okay. What do you understand the
15 difference between Medicare and private insurance? Tell me what you
16 understand the differences to be, generally.

17 PROSPECTIVE JUROR 048: Medicare is like government
18 sponsored and supported. And private insurance, you know, you don't
19 necessarily choose your insurance, but you've -- there's -- seems to be
20 more options within the plan to -- in which you can choose from.

21 MR. ZAVITSANOS: Okay. Okay. So back to my question.
22 Are we starting off on equal footing here with the Defendants in the light
23 of these experiences?

24 PROSPECTIVE JUROR 048: I think so, but I'm not quite 100
25 percent.

1 MR. ZAVITSANOS: Why is that?

2 PROSPECTIVE JUROR 048: Just because now that -- you
3 know, this has brought up -- sort of shapes my -- you know, if I hadn't
4 thought about these past experiences -- I can't find the words.

5 MR. ZAVITSANOS: Well, you -- it might impact your outlook
6 on things a little bit?

7 PROSPECTIVE JUROR 048: Yeah, because of thinking of the
8 old experiences.

9 MR. ZAVITSANOS: Yeah. So, and here's why I'm asking,
10 right, because, again, there's going to be a lot of talk about balance
11 billing and about this, okay. A lot. There's going to be quite a bit of
12 evidence about this, what's going on, who's to blame, why it's
13 happening, you know. And so, given this experience that you had and
14 given the fact that these bills came to you from -- whether it's the
15 hospital or the doctors, okay, and you had to deal with it -- and did you
16 pay some of it? Did you pay?

17 PROSPECTIVE JUROR 048: Yeah, some of it.

18 MR. ZAVITSANOS: Okay.

19 PROSPECTIVE JUROR 048: Not all of it.

20 MR. ZAVITSANOS: Okay. So given the fact that you had to
21 pay some of it -- and I'm sure it hurt a little bit, right, having to pay it,
22 right? So given that, do you think maybe, you know, we're starting
23 maybe 100 feet back, 200 feet back when it comes to the starting line?

24 PROSPECTIVE JUROR 048: Maybe a little.

25 MR. ZAVITSANOS: Okay. And as -- and look, take -- you

1 don't have to take my word for it. If you end up on the jury, you'll see
2 that I mean there's going to be lots and lots of talk about this. Okay. As
3 that evidence is coming in, do you think you're going to find yourself
4 thinking like gosh darn it, you know, I got stuck with the same thing and
5 it's just not right that these people are not trying to get, you know, 10
6 million plus dollars and, you know, these patients are out there, people
7 like me, who might have to pay these bills? Do you think your mind
8 might be thinking like that? And then here is the kicker, that you are
9 going to then say I just -- that experience that I went through is truly --

10 MR. ROBERTS: Your Honor, I object to the hypothetical.

11 THE COURT: You know, this is a good time for a morning
12 recess. Even though you guys only started here at 10:12, we've been
13 working since 9:30.

14 So I'll give you a chance --

15 MR. ZAVITSANOS: May I just finish my question?

16 THE COURT: Finish your question. There is an objection to
17 the hypothetical.

18 MR. ZAVITSANOS: Your Honor, it's -- I'm asking if her
19 experience would interfere with her ability to evaluate the evidence.

20 THE COURT: All right.

21 MR. ZAVITSANOS: And so, I don't believe that's
22 inappropriate.

23 THE COURT: All right.

24 MR. ZAVITSANOS: May I proceed?

25 THE COURT: I'll overrule the objection then.

1 MR. ZAVITSANOS: Okay. So let me finish my question. So
2 as this evidence is coming in, do you think that, as these memories get
3 triggered like they did right now, are you going to find yourself saying,
4 you know, I just -- boy, this is bringing up some bad memories here, and
5 I just can't be fair to these healthcare professionals. I can't do it, because
6 it's just -- I'm sitting here getting kind of angry thinking about what
7 happened to me. I mean do you think that's going to happen?

8 PROSPECTIVE JUROR 048: I typically pride myself on being
9 able to be objective and seeing both sides, but I actually have a little
10 physical anxiety rethinking of the frustration of that time.

11 MR. ZAVITSANOS: And so -- and just to put a fine point on
12 it, and then we can take a break. And you think that that frustration and
13 that anxiety is going to be directed to us, to the Plaintiffs, right? And I
14 hate to put you on the spot, but I just need your honest from the heart
15 answer here, okay?

16 PROSPECTIVE JUROR 048: I think it might.

17 MR. ZAVITSANOS: Okay. This is a good time for a break.

18 THE COURT: Okay, very good. All right. During the recess,
19 don't talk -- do not talk with each other or anyone else on any subject
20 connected with the trial. Don't read, watch, or listen to any report of or
21 commentary of the trial. Don't discuss this case with anyone connected
22 to it by any medium of information, including, without limitation,
23 newspapers, television, radio, internet, cell phones, or texting.

24 Don't conduct any research on your own. Don't speculate
25 about the witnesses, what the case might be about. Don't consult

1 dictionaries, use the internet, or use any reference materials. Don't use
2 any social media. Don't text, tweet, google, or conduct any other type of
3 research with regard to any issue, party, witness, or attorney involved in
4 the case. Most importantly, do not form or express any opinions on any
5 subject connected with the trial until the jury is selected and until the jury
6 deliberates.

7 It's 10:57. Please be ready at 11:15. And court is in recess.
8 All rise, please, for the jury.

9 [Prospective jurors out at 10:57 a.m.]

10 [Outside the presence of the prospective jurors]

11 THE COURT: Okay. Looks like the room is clear. Defendant,
12 did you have something for the record?

13 MR. ROBERTS: Yes, Your Honor. I just wanted to explain
14 that I had no objection to him asking her if she could be fair given her
15 past experience, but I thought at the time I objected, he was building way
16 too many of the facts of this particular case into his question, to the point
17 that it was asking for a hypothetical verdict on the facts of this case and
18 whether she'd be able to award money.

19 THE COURT: Is there a response?

20 MR. ZAVITSANOS: Yes, Your Honor. Her experience is not
21 going to be an issue in this case. Her getting bills from the hospitals and
22 doctors is not an issue in this case. She is not one of the claims in this
23 case. And this issue of balance billing is one of the core issues in this
24 case. And so, I need to be able to evaluate when that evidence comes in
25 whether she's going to treat us -- be unfair to us. And I think she's over

1 the line. I'm going to explore it a little bit further when she gets back.
2 But we're in jury selection, and I think it's an appropriate question.

3 THE COURT: Good enough. So --

4 MR. ROBERTS: Your Honor, just one more point --

5 THE COURT: Of course.

6 MR. ROBERTS: -- is I would object to continued opining
7 about what are the most important issues in this case. I think that's
8 argument of the case, what's important and what isn't.

9 THE COURT: I think that crosses the line.

10 MR. ROBERTS: I think it's -- he can say it's an issue, but not
11 it's a big issue or it's really important.

12 MR. ZAVITSANOS: Your Honor, I will avoid that. I -- it is a
13 big issue. I mean it is a -- it is an issue on which there is going to be a
14 substantial amount of evidence. And so, I need -- the reason I did that,
15 Your Honor -- and I don't mean to belabor this, okay. I'm going to follow
16 whatever Your Honor says. But the reason I raised that is because unlike
17 the situation yesterday where somebody brought up -- it was one of the
18 other health insurance companies. And I said you'll make -- it's very
19 peripheral. This issue is right at the center of the bullseye and --

20 THE COURT: You can't say it's a big issue. You can say
21 there will be a lot of evidence on this.

22 MR. ZAVITSANOS: Okay. Okay. All right.

23 THE COURT: Now take a look during the break at number --
24 the panel for number three. And I'll ask you if you know anyone on the
25 list at -- right before we bring the jury in. And the third panel is here.

1 MR. ZAVITSANOS: Yes. I have one other thing, Your Honor.

2 THE COURT: Sure.

3 MR. ZAVITSANOS: And I'm sorry, I didn't -- haven't had a
4 chance to confer with counsel yet. The gentleman who's the coach, I
5 think he's over the line. And so, I would -- if counsel would want --

6 THE COURT: Why don't you guys talk about that on the
7 break?

8 MR. ZAVITSANOS: Yeah, okay.

9 THE COURT: Thank you. Court is in recess.

10 [Recess from 11:01 a.m. to 11:17 a.m.]

11 [Outside the presence of the prospective jurors]

12 THE MARSHAL: All rise.

13 THE COURT: Thanks, everyone. Please be seated. Okay. On
14 the panel three, are the Plaintiff familiar with any of the names?

15 MS. LUNDVALL: No, Your Honor. No.

16 MR. ZAVITSANOS: No.

17 THE COURT: Defendant?

18 MR. ROBERTS: I may be, Your Honor. We seem to have a
19 potential juror by the name of Mr. David Jones.

20 THE COURT: I know. I saw that.

21 MR. ZAVITSANOS: David Jones?

22 THE COURT: One of our judges is David Jones. What's his
23 number?

24 MR. ROBERTS: Badge number 19-0064.

25 THE COURT: Okay. Let me just look real quick. Well, this

1 gentleman is African American, so he couldn't be the judge.

2 MR. ROBERTS: Pardon, Your Honor?

3 THE COURT: This gentleman is African American, David
4 Jones.

5 MR. ROBERTS: Oh, okay.

6 THE COURT: He's not -- no. He's --

7 MR. ROBERTS: False alarm then.

8 THE COURT: He's Caucasian. Okay. Also, he's 28. Okay.
9 Are we ready to bring in the venire?

10 MR. ZAVITSANOS: Yes, Your Honor. So Your Honor, are
11 you -- so you're going to go through your exercise first with them, or am
12 I going to continue?

13 THE COURT: I'm going to just orient them. And then you'll
14 go back in.

15 MR. ZAVITSANOS: Got it. Okay. Thank you, Your Honor.

16 [Pause]

17 THE MARSHAL: All rise for the jury, please.

18 [Prospective jurors in at 11:22 a.m.]

19 THE COURT: We have more people coming in. So I'll ask --
20 the jurors may be seated. Okay. Someone has got a phone on? I'll ask
21 that all phones please be turned off in the courtroom.

22 THE MARSHAL: Are you ready for --

23 THE COURT: Yes. Yes.

24 THE MARSHAL: Should we sit this gentleman --

25 THE COURT: I'm going to ask that we put him in the well for

1 now. And then perhaps he could sit in front of your station.

2 THE MARSHAL: Okay. Make sure you fill in all the seats.

3 [Pause]

4 THE COURT: Thank you. You may be seated.

5 So to those of you who just joined us, this is our third day of
6 jury selection. We expect jury selection to be finished tomorrow
7 afternoon. So if you need letters for your employers, I will be able to
8 provide those. And if you need a schedule for this week, I'm happy to do
9 that, as well. We are -- because we're in the middle, I don't want to break
10 up the rhythm too much. So the Plaintiff is now inquiring members of
11 the panel. And so I'll make sure that you get oriented at the next break.

12 Go ahead, please, Mr. Zavitsanos.

13 MR. ZAVITSANOS: Thank you, Your Honor. And may it
14 please the Court and counsel. Okay. Thank you, Your Honor. May I
15 proceed?

16 THE COURT: You may.

17 MR. ZAVITSANOS: Thank you. Okay. Okay. Just to put a
18 pin on it where we left off. Okay. And where is the mic?

19 PROSPECTIVE JUROR 048: It's under the podium.

20 MR. ZAVITSANOS: Here we go. Thank you.

21 Okay. So just to put a pin on it, given -- and I don't want to
22 belabor it here, but given the discussion that we had right before the
23 break, it's fair to say that you feel that if issues about balance billing
24 come into the case, or billing patients, that's going to make it difficult for
25 you to be able to serve on this jury because your mind's going to be

1 wandering to your own experiences, right?

2 PROSPECTIVE JUROR 048: Yes.

3 MR. ZAVITSANOS: Okay. And as a result, it would be
4 difficult for you to be able to follow the Court's instructions on this so
5 that we're on equal footing, the doctors and the payor here, the
6 insurance companies, right?

7 PROSPECTIVE JUROR 048: It -- I'd like to say I could be
8 objective, but I think it may interfere.

9 MR. ZAVITSANOS: Okay. And do you think it would
10 interfere? I mean, if you had to pick one right now.

11 PROSPECTIVE JUROR 048: Yes.

12 MR. ZAVITSANOS: Okay. Okay. Thank you, ma'am. Thank
13 you for your honesty very much. Okay.

14 Okay. Ms. -- I'm probably going to mispronounce it. Ms.
15 Neyman, 590?

16 PROSPECTIVE JUROR 590: Neyman.

17 MR. ZAVITSANOS: Neyman. Okay. See, I said that I was
18 going to mispronounce it, and I did. Okay. So my memory says that
19 you're a seventh-grade teacher?

20 PROSPECTIVE JUROR 590: Yes.

21 MR. ZAVITSANOS: Okay. And if I remember correctly -- and
22 I'm sorry, we've gotten a lot of answers. So forgive me if I confuse your
23 answer with someone else. But were you the lady that said that it would
24 be difficult to get substitutes in because of COVID, you know, it's
25 presented some challenges?

1 PROSPECTIVE JUROR 590: That's correct.

2 MR. ZAVITSANOS: Okay. All right. So I'm going to ask you
3 the same questions that I asked this gentleman over here, the coach.
4 And you heard those questions about whether -- maybe during the
5 course of the evidence, whether your mind is going to be thinking about
6 your students, and it might kind of impact your ability to kind of give it
7 the same kind of full attention as if we had not gone through COVID, and
8 we didn't have the kind of shortages that we have now? You heard
9 those questions, right?

10 PROSPECTIVE JUROR 590: Yes, I did.

11 MR. ZAVITSANOS: Okay. So tell me how you feel about
12 that.

13 PROSPECTIVE JUROR 590: This year is particularly -- we're
14 in a hardship this year, unlike others, because as I stated earlier, students
15 last year for all intents and purposes missed an entire year of school
16 being virtual, especially middle school kids because elementary school
17 kids were supervised mostly. But middle school kids were left home
18 without supervision. And if you understand the nature of that beast, that
19 meant mostly kids didn't do a lot of work, you know.

20 MR. ZAVITSANOS: It means a lot of high scores were set on
21 these videogames.

22 PROSPECTIVE JUROR 590: Uh-huh. So we're looking at a
23 population of students that are tremendously behind.

24 MR. ZAVITSANOS: Okay.

25 PROSPECTIVE JUROR 590: That in addition to we here in

1 Clark County now are left without for the most part, no substitutes,
2 because they've gone to work for Nevada Learning Academy, our subs,
3 where they can substitute online versus come into a very challenging job
4 with a very challenging demographic, middle school students. So kids
5 are left without substitutes. So the best we can get out of middle school
6 is to have other overworked teachers come in and maybe sit with your
7 class.

8 MR. ZAVITSANOS: Okay.

9 PROSPECTIVE JUROR 590: And that's what my kids will get
10 for the next month.

11 MR. ZAVITSANOS: Got it. Okay. So let me share one
12 thought with you and then I have a question, okay? So these cases that
13 go to trial -- these civil cases that go to trial, there are very -- there's a
14 whole -- I mean, there's an ocean of rules about what kind of evidence
15 comes in, about when you can talk, about how you do jury selection, et
16 cetera. So there is absolutely, positively, without a doubt, no denying
17 that what you are talking about right now in terms of how important is
18 that, you know, to our society and to us as Americans, is at or near the
19 top. No doubt about it. Okay.

20 That is not, unfortunately, part of the set of rules about -- for
21 purposes of what we're doing right now. The question is -- the question
22 is what -- and look, whether it should be or not, that's way above my --
23 you know, way above my pay grade. It's -- I mean, that's a legislative
24 thing, okay. So the question is -- and you obviously are very passionate
25 about it; I can see that. The question is whether these challenges that

1 you just described are going to impact you -- not these kids, not -- you
2 know, maybe it should be otherwise, but the issue is whether it impacts
3 you and your ability to serve as a juror, just like I asked the coach over
4 here if it's the kind of thing that's going to -- you know, you'll be on the
5 jury and your mind is wandering thinking, oh my goodness, I wonder if
6 the lesson plan was done correctly today. I wonder if you know, X, Y,
7 and Z kids showed up, or having a concern along the lines of what you're
8 talking about especially being here almost a month, or over a month,
9 and therefore, it affects your ability to be able to evaluate the evidence,
10 and it affects your ability to really kind of give this your all for both
11 sides? That's the question. You follow me?

12 PROSPECTIVE JUROR 590: Yes.

13 MR. ZAVITSANOS: Okay. So the floor is yours.

14 PROSPECTIVE JUROR 590: My forthright answer is I'm
15 irritated every second I'm here.

16 MR. ZAVITSANOS: Okay. And I'm sorry for that. I mean,
17 I'm --

18 PROSPECTIVE JUROR 590: I'm sure you're all very
19 wonderful and nice people.

20 MR. ZAVITSANOS: I wish there was a way we could bypass
21 this process. This is the way we do it, okay.

22 PROSPECTIVE JUROR 590: And I understand that. And --

23 MR. ZAVITSANOS: And it's -- and here's the thing, right. It's
24 not just the way we do it, it has developed over many, many years, and it
25 keeps getting a little better, right. And so this is the best it's ever been

1 and unfortunately, sometimes it leads to this kind of irritation, okay.

2 PROSPECTIVE JUROR 590: Yes.

3 MR. ZAVITSANOS: I can't apologize for the system because I
4 believe in it, okay. We all -- we all do. So I just -- I mean, I wish I could
5 take some of that irritation away, but the issue right now is whether or
6 not -- whether this irritation you're talking about or whether the kind of a
7 -- the societal issues you just described for me, is that going to impact
8 you as a juror? And by the way, there's no wrong answer here, okay?
9 Right. I mean, I just -- we just need -- we need to know that we're getting
10 a fair shake here. And I want to say it's on behalf of both of us but really
11 -- I'm going to be candid with you, I care about this side. Okay. We're
12 the ones filing the suit. We're the ones with the burden of proof. We're
13 the ones asking for this money. And so that's the issue. So what do you
14 think?

15 PROSPECTIVE JUROR 590: I just know that I'm supposed to
16 be teaching a four-paragraph argumentative essay, and I need to have it
17 done by December 17th. That's what I'm thinking about right now.

18 MR. ZAVITSANOS: Okay. And is this the kind of thing that is
19 going to occupy your thoughts to a point that it's going to impact your
20 ability to concentrate fully on the evidence in this case where you could
21 block that out of your mind?

22 PROSPECTIVE JUROR 590: I don't -- quite honestly, no. I
23 don't believe I'll be able to block that out of my mind.

24 MR. ZAVITSANOS: Okay. So here's the -- here's kind of the
25 magic question now. You don't have to have -- the law does not require

1 that our jurors empty their minds of everything else going on in their life.
2 I mean, that would be impossible. The issue is whether these thoughts
3 are going to be so pronounced and so strong that it's going to -- it's
4 going to affect -- impact your ability to listen to the evidence attentively
5 and whether -- like let's use the preponderance standard like we talked
6 about -- you won't be able to concentrate as much as you otherwise
7 might like to if we were in a different non-COVID situation. You follow?

8 PROSPECTIVE JUROR 590: Yes, I understand.

9 MR. ZAVITSANOS: Okay. What do you think?

10 PROSPECTIVE JUROR 590: I don't want to sound petty, but I
11 work with a demographic of students that will never have tutors, and
12 they will not enjoy private schools. So I think that probably knowing
13 that, carrying that with me every day most likely will impact my decision-
14 making.

15 MR. ZAVITSANOS: Okay.

16 PROSPECTIVE JUROR 590: Honestly, I would hate that -- I
17 mean, I understand each one of us comes with our own baggage and our
18 own outside worries and tribulations. But to be honest, yes, it's just --
19 it's a great irritation to me.

20 MR. ZAVITSANOS: Well, and I am -- I am very sympathetic
21 to your irritation as a human being. As a lawyer though, my question is
22 really whether it's going to impact your ability to serve as a juror, and it
23 sounds like it would. And I --

24 PROSPECTIVE JUROR 590: I would agree with that.

25 MR. ZAVITSANOS: -- okay. Okay. And therefore, it's the

1 kind of thing where you would probably not be able to give the kind of
2 attention to the evidence again that you otherwise might be able to if we
3 were four years ago, for example.

4 PROSPECTIVE JUROR 590: I would agree with that.

5 MR. ZAVITSANOS: Okay. Thank you. Thank you very much.

6 Okay. All right. Let me move on. Okay. To the two
7 gentlemen up front here that are new team members. Did you all hear --
8 I don't want to go through the whole thing again unless I have to, and
9 you didn't hear it. Did you all hear the discussion on the burden of
10 proof, on the preponderance of the evidence, and all that?

11 Okay. So given that we are asking for over \$10 million,
12 would either of you require a higher burden in your mind if the Court
13 gave an instruction that said that the preponderance is a standard for the
14 actual damages? Would you require a higher burden? And I see you
15 shaking your head. Let me get the mic, please. And juror number,
16 please?

17 PROSPECTIVE JUROR 217: 217.

18 MR. ZAVITSANOS: 217. Yes, sir? How about you?

19 PROSPECTIVE JUROR 217: No, I wouldn't have an issue with
20 that.

21 MR. ZAVITSANOS: Okay. And, sir?

22 PROSPECTIVE JUROR 161: Juror 161. No.

23 MR. ZAVITSANOS: Okay. Thank you, sir. Okay. And then
24 did you all also hear the questions on punitive damages? Okay. So let's
25 hand the mic over again. And if the Court gave an instruction and there

1 was some questions about whether we're eligible for punitive damages,
2 and we met those standards in your mind, is there anything in your
3 background, your beliefs, your values, where either you would require
4 us to prove it beyond a reasonable doubt, in other words, higher than
5 clear and convincing, or it just doesn't sit well with you, and you can't
6 award punitive damages because we've been made whole with the
7 actual damages?

8 PROSPECTIVE JUROR 217: I wouldn't have a problem with
9 punitive damages.

10 MR. ZAVITSANOS: Thank you, sir. Okay. And your
11 number?

12 PROSPECTIVE JUROR 217: 217.

13 MR. ZAVITSANOS: Thank you. Okay. Same question.

14 PROSPECTIVE JUROR 161: 161. No, I wouldn't have a
15 problem with it either.

16 MR. ZAVITSANOS: Okay. Thank you, sir.

17 Okay. All right. Now, let me give you a couple of other
18 names that were not discussed during the reading of the names and see
19 if you're familiar with either of these names. And this is the whole panel,
20 okay? And I'm also -- to the folks out here, I hope you can hear me okay
21 because if you end up over here, I'm going to ask you the same question.
22 So -- all right. So there are two other -- there are two other companies
23 that I need to mention now. One of them is called TeamHealth.
24 TeamHealth. Has anybody heard or read anything about TeamHealth?
25 Okay. The next company is a company called Blackstone. Has anybody

1 heard of Blackstone? Okay. So let's pass the microphone back.

2 PROSPECTIVE JUROR 404: 404. Are you talking about the
3 conglomerate that like purchased casinos and stuff?

4 MR. ZAVITSANOS: Yes, sir.

5 PROSPECTIVE JUROR 404: Oh. My partner worked for
6 them.

7 MR. ZAVITSANOS: Okay. So this is not a disputed issue.
8 TeamHealth manages and runs a series of practices -- emergency room
9 practices across the country including the three practices at issue in this
10 case here. Okay. Blackstone owns TeamHealth. You with me?

11 PROSPECTIVE JUROR 404: Uh-huh.

12 MR. ZAVITSANOS: Okay. So knowing that, does that sway
13 you one way or the other about anything that we've talked about here
14 today?

15 PROSPECTIVE JUROR 404: No.

16 MR. ZAVITSANOS: Okay. And listening to the description --
17 and I'm sorry, your juror number again?

18 PROSPECTIVE JUROR 404: 404.

19 MR. ZAVITSANOS: Thank you, sir. Okay. Listening to what
20 this gentleman just described that Blackstone does -- and let's just see a
21 show of hands -- who here now maybe has a slightly different view, or
22 needs to tweak one of their earlier answers, or just has any thoughts
23 about anything we've discussed so far?

24 Let's start in the back row. Anybody in the back row? Okay.
25 Second row? Other than Juror 404. Third row? Anybody? Fourth row,

1 second row from the bottom? Okay. This is kind of like reading in
2 Arabic, you know, they go from right to left, right. So I'm counting from
3 the bottom here. Okay. So second row? Okay. And first row? Okay.
4 All right.

5 All right. Next issue that I'm going to talk about. And Your
6 Honor, just to get an idea, when would Your Honor like to break --

7 THE COURT: I think 12:15 if that works for everybody. That'll
8 give us about an hour.

9 MR. ZAVITSANOS: Very good. Thank you, Your Honor.

10 Okay. So the next thing I want to talk about is -- and we've
11 touched on this a little bit and again, this is directed to everybody, all
12 right, is this idea of your healthcare providers being in-network versus
13 out-of-network. Okay. Let me give a little definition of what that is. I'll
14 try to do this as bland as possible. In-network means that that doctor, or
15 hospital, or group of doctors has reached an agreement with the
16 insurance company -- and actually have a written deal -- that claims will
17 be processed a certain way, they'll be paid a certain amount. They get to
18 appear in the book, you know, with all the providers. Or I guess now, on
19 the internet of a list of all the providers. Out-of-network means they
20 don't have a deal. They've not signed a written agreement and they're
21 not in the book. Okay.

22 Now, emergency room doctors -- I anticipate you may hear a
23 little bit about this -- you know, we don't -- a lot of us don't have a choice
24 about who our emergency room doctor is, right? If you're having a life-
25 threatening situation, most people are going to go to the closest

1 emergency room, right? Okay. Sometimes -- and I'm talking generally
2 now -- sometimes those doctors in the emergency room are in-network;
3 sometimes they're out-of-network. This case is about out-of-network
4 charges and reimbursements. I mean, that's fundamentally kind of what
5 it's about.

6 Now, here's the question. Some doctors are okay being in-
7 network. They got a deal, you know. They've got a written deal. Other
8 doctors are not, for whatever reason. Now, how many people here think
9 well, you're tying up a month of my time, right? You're asking for 10
10 plus-million dollars. You should have -- you know, I don't know what the
11 facts are, but the fact that you don't have a written deal with them when
12 other doctors do, I don't need to hear anything else. Okay. I wouldn't be
13 here, and I -- that just ends the inquiry for me. I don't even need to hear
14 the evidence. Okay. You understand my question? Okay.

15 Back row, anybody feel that way? Anybody have any
16 thoughts on that? Can we pass the microphone back, please?

17 UNIDENTIFIED PROSPECTIVE JUROR: I have it.

18 MR. ZAVITSANOS: Okay. Let's -- here let me just kind of --
19 let me see if someone -- let's go in the corner there. I don't mean to pick
20 on you. I'm just randomly picking people, okay. And give us your juror
21 number, please?

22 PROSPECTIVE JUROR 401: 401.

23 MR. ZAVITSANOS: Okay. How do you feel about that?

24 PROSPECTIVE JUROR 401: So I didn't know they had in-
25 network and out-of-network in the emergency room.

1 MR. ZAVITSANOS: Yeah.

2 PROSPECTIVE JUROR 401: And you don't get to choose, I
3 know that, but --

4 MR. ZAVITSANOS: Well, when you say you, you mean the
5 patient?

6 PROSPECTIVE JUROR 401: Yes, the patient.

7 MR. ZAVITSANOS: Yeah. Usually. Usually. I mean, if it's
8 kind of a minor thing, and you don't want to wait, and you need to go to
9 the emergency room --

10 PROSPECTIVE JUROR 401: Uh-huh.

11 MR. ZAVITSANOS: -- maybe you might look. But most of
12 the time, you don't. Go ahead.

13 PROSPECTIVE JUROR 401: So, I don't know. I mean if --
14 when you go to the emergency room, you present your insurance card.
15 Shouldn't they, I don't know, take -- give you a doctor that is under your
16 insurance? I mean I don't know. We don't go often to the emergency
17 room.

18 MR. ZAVITSANOS: Right. Okay. So I can't -- I can't answer
19 your question. Let me -- let me try doing it this way, okay, so remember
20 when you go to the emergency room, some of the people there work for
21 the hospital and some of the people don't. And -- okay? Are you with
22 me?

23 PROSPECTIVE JUROR 401: [No audible response.]

24 MR. ZAVITSANOS: Okay. So at the facilities that I
25 mentioned where our folks are, the nurse practitioners, the doctors,

1 those folks, none of them are in network with United, okay. So -- and so
2 the issue is because we're not in network, and we don't have a written
3 agreement with them, what is the correct reimbursement rate? That's
4 the issue. And there's going to be a lot of -- or there will be some
5 questions about that, if you end up in the jury, different claims, et cetera.

6 But I'm asking just something more broadly now. Given
7 what I've just described, is this the kind of thing where you're going to --
8 you're going to reach a conclusion before you even hear the evidence
9 based on the fact that we are out of network? And not hearing anything
10 else.

11 PROSPECTIVE JUROR 401: I may struggle a little bit. And I
12 mentioned yesterday -- I think it was yesterday when you asked about
13 the contract or something that had to be signed.

14 MR. ZAVITSANOS: Yep.

15 PROSPECTIVE JUROR 401: So I still -- I don't understand
16 how -- I mean I know there's going to be evidence.

17 MR. ZAVITSANOS: Yep.

18 PROSPECTIVE JUROR 401: But how do you -- like how do
19 you know what they should get paid if there's in deal that they actually
20 signed? I don't know. I just struggle with that.

21 MR. ZAVITSANOS: Well, that's why we're here, okay? That's
22 why we're here. And there's going to be evidence on both sides about
23 that. But my -- and I'm not doing a very good job, am I? I'm sorry. Let
24 me -- let me -- let me try -- let me try to come at it another way. Okay?

25 So my concern is this, okay, so we're going to submit a fair

1 amount of evidence. They're going to submit a fair amount of evidence.
2 My question to you is, not knowing anything other than we're out of
3 network, okay, is this the kind of situation where you're thinking, I can't
4 award these guys anything. They've already been paid something. Now
5 they're trying to get more, and they don't have a written deal, and I'm
6 not going to listen to any of the rest of the evidence. You know, you've
7 made your bed, now you sleep in it. Tough luck. And, listen, if that's
8 how you feel, it's okay. I just need to know. Okay. So what do you
9 think?

10 PROSPECTIVE JUROR 401: Like I said, it's hard. It --

11 MR. ZAVITSANOS: I get it. I get it.

12 PROSPECTIVE JUROR 401: And -- but --

13 MR. ZAVITSANOS: I get it. Yeah. And here's the thing;
14 nobody --

15 PROSPECTIVE JUROR 401: Uh-huh.

16 MR. ZAVITSANOS: -- wants to say -- nobody wants to say,
17 you know, I can't be fair. I mean that's almost a taboo thing to say.

18 PROSPECTIVE JUROR 401: Uh-huh.

19 MR. ZAVITSANOS: Okay. And I wish I could come up with
20 a --

21 PROSPECTIVE JUROR 401: Right.

22 MR. ZAVITSANOS: -- different way to ask it.

23 PROSPECTIVE JUROR 401: Uh-huh.

24 MR. ZAVITSANOS: Okay. So I don't touch on that word, but
25 that's really the issue --

1 PROSPECTIVE JUROR 401: Right.

2 MR. ZAVITSANOS: -- is, is this the kind of thing where you're
3 going to make a decision based only on the fact that we're out of
4 network and not be able to really consider any of the rest of the
5 evidence --

6 PROSPECTIVE JUROR 401: Uh-huh.

7 MR. ZAVITSANOS: -- and it's going to impact your ability to
8 serve as a juror here?

9 PROSPECTIVE JUROR 401: Uh-huh. As I mentioned, it
10 would be difficult, but I think I could take a look at the evidence and --

11 MR. ZAVITSANOS: Okay. Well --

12 PROSPECTIVE JUROR 401: -- be fair or --

13 MR. ZAVITSANOS: Yes, ma'am. And if you end up on the
14 jury --

15 PROSPECTIVE JUROR 401: Uh-huh.

16 MR. ZAVITSANOS: -- you will look at the evidence?

17 PROSPECTIVE JUROR 401: Well, yeah.

18 MR. ZAVITSANOS: Okay.

19 PROSPECTIVE JUROR 401: Yes.

20 MR. ZAVITSANOS: So my question is a little more refined.

21 PROSPECTIVE JUROR 401: Okay.

22 MR. ZAVITSANOS: And that is, as the evidence comes in,
23 are you going to basically minimize it or just put your thumb on the
24 scale --

25 PROSPECTIVE JUROR 401: No.

1 MR. ZAVITSANOS: -- that, you know, that you're out of
2 network --

3 PROSPECTIVE JUROR 401: Uh-huh.

4 MR. ZAVITSANOS: -- so I don't know why they're wasting
5 my time?

6 PROSPECTIVE JUROR 401: Uh-huh.

7 MR. ZAVITSANOS: That -- that's what I'm asking.

8 PROSPECTIVE JUROR 401: No, I don't think so.

9 MR. ZAVITSANOS: Okay. Fine. Thank you.

10 Okay. How about in the second row, anybody got any
11 thoughts on that? And juror number, please?

12 PROSPECTIVE JUROR 522: 522, Linda Friedrich. And I just
13 want the Court to know that I am a retired registered nurse for 40 years.
14 My career spanning Sunrise and Mountain View both. And just a
15 personal opinion, I really don't think there should be a network. But I
16 would not have a problem assessing the evidence and the testimony.

17 MR. ZAVITSANOS: Okay. So just to follow up on that, when
18 you say there shouldn't be a network, what do you mean by that?

19 PROSPECTIVE JUROR 522: Yeah. As far as having worked
20 with insurance for all those many years, there just shouldn't be -- it
21 should just be everybody takes care of everybody regardless. It doesn't
22 need to be you're in network, you're out of network. There should be
23 just no network.

24 MR. ZAVITSANOS: Okay. So on that point -- I'm going to go
25 a little different direction here. On that point, given that belief, is that

1 going to impact your ability to be fair to the United folks?

2 PROSPECTIVE JUROR 522: No.

3 MR. ZAVITSANOS: Because the world, as it today --

4 PROSPECTIVE JUROR 522: Yeah.

5 MR. ZAVITSANOS: -- there is in network and out of
6 network --

7 PROSPECTIVE JUROR 522: Right.

8 MR. ZAVITSANOS: -- and that's just the way it is.

9 PROSPECTIVE JUROR 522: Right.

10 MR. ZAVITSANOS: Okay? So is that going to cause you to
11 put us ahead, put them behind?

12 PROSPECTIVE JUROR 522: No.

13 MR. ZAVITSANOS: Okay. You'll be able to evaluate it fairly?

14 PROSPECTIVE JUROR 522: Yes.

15 MR. ZAVITSANOS: All right. Thank you, ma'am.

16 Anybody else in the second row have any thoughts on this?

17 How about the third row from the top? Actually, it's also the third row
18 from the bottom. So it's the third row. Okay. How about in the third
19 row? You got the mic, so I guess you got to talk.

20 PROSPECTIVE JUROR 593: I wouldn't -- juror 593. I would
21 not make a decision without hearing all the evidence. End of story.

22 MR. ZAVITSANOS: End of story. Great. Okay.

23 PROSPECTIVE JUROR 593: There you go.

24 MR. ZAVITSANOS: Anybody else in the third row? Okay.

25 The second row from the bottom, anybody?

1 PROSPECTIVE JUROR 038: I have a question.

2 MR. ZAVITSANOS: Can we pass it down, please? And give
3 us your juror number.

4 PROSPECTIVE JUROR 038: 038, is I'm just trying to compare
5 this. Is this like PPO and HMO?

6 MR. ZAVITSANOS: Ah. Good question. Okay. So, by the
7 way, if you end up on the jury, okay, I think we're going to have like a
8 world record for the number of acronyms you're going to get in this
9 case. Okay. I mean it's unbelievable. It's remarkable.

10 Okay. So a PPO is a Preferred Provider Organization. I think
11 that's what it stands for. And an HMO is a Health Maintenance
12 Organization, whatever. Both of those of in network. Okay. So those
13 are -- those are healthcare providers that have an -- that have a written
14 deal with an insurance company or insurance companies, okay, to be on
15 that list. The difference between an HMO and a PPO, it's a -- they're
16 different types of health insurance. And I won't -- it doesn't matter what
17 the differences are. But they're both in network.

18 Okay. Now, so if you -- if you look on the Healthcare Nevada
19 or the United book that lists the providers, we're not in there because
20 we're not -- none of our folks are -- we're out of network. And so my
21 question to you is the same question I asked the lady in the back. Is that
22 going to impact -- just knowing that, is that going to cause you to kind of
23 disregard the evidence and make a decision ahead of time, because we
24 don't have a written agreement?

25 PROSPECTIVE JUROR 038: No, that won't affect it.

1 MR. ZAVITSANOS: Okay. How about in the first row?

2 PROSPECTIVE JUROR 048: I have something to --

3 MR. ZAVITSANOS: Yes, ma'am?

4 PROSPECTIVE JUROR 048: 048. I would like --

5 MR. ZAVITSANOS: Thank you for raising your hand, by the
6 way. Thank you. Okay.

7 PROSPECTIVE JUROR 048: I would like clarification between
8 the out of network and network in that is the -- is it up to the doctors in
9 the out of network? Can they choose to be with the network, and they've
10 chosen not to?

11 MR. ZAVITSANOS: Well, it's like I found out when I went to
12 my Homecoming dance, my second year high school, and I walked up to
13 the girl across the room, I chose to go up to her, and she said no. She
14 wouldn't dance with me. It takes two. Okay. So --

15 MR. ROBERTS: And I'm going to object as argumentative
16 and move to strike.

17 MR. ZAVITSANOS: Your Honor, I'm just --

18 THE COURT: I don't think he crossed the line. But I think this
19 is a good time to say you can't answer the question.

20 MR. ZAVITSANOS: I can't answer the question, Your Honor.
21 Thank you. Let me -- may I try just a slightly different approach,
22 Your Honor --

23 THE COURT: You can.

24 MR. ZAVITSANOS: -- that I think will -- okay.

25 THE COURT: And if there's an objection, we'll --

1 MR. ZAVITSANOS: Yeah.

2 THE COURT: -- hash it out.

3 MR. ZAVITSANOS: So I don't -- I'm going to step outside of
4 the healthcare arena for a second. And this is true of all contracts;
5 leases, buying a car. Okay? You've got to get two sides to agree. Are
6 you with me?

7 PROSPECTIVE JUROR 048: Uh-huh.

8 MR. ZAVITSANOS: So the answer to your question is yes. I
9 mean we are not in network. And I mean I can't go further than that,
10 right? We don't have a written agreement. So, with that, other than
11 what you've told me earlier, how -- do you feel like that's the kind of
12 thing that would cause you to ignore the evidence?

13 PROSPECTIVE JUROR 048: No.

14 THE COURT: Okay. All right. Anybody else -- anybody else
15 in the first or second row? Okay.

16 Oh, okay. So I think I have just a few minutes before the
17 lunch break. So here's what I'm going to do. We're going to go rapid
18 fire. If you could speak up. I don't want to get in trouble here, so speak
19 up. We're not going to use the microphone. And I'm just going to ask
20 rapid fire about where you get your news from, okay. And I'm going to
21 give you some choices, and I'm not limiting -- we're not -- I'm not going
22 to limit you to these choices. Okay. But I'm going to give you some
23 examples. One, the physical newspaper; two, on TV; three, on social
24 media; or four, on, you know, these websites like msnbc.com or, you
25 know, the -- you know, any of these news organizations that have stuff

1 on the Internet. Okay? Those are four examples. But if you've not
2 another source, I'd like to know about it.

3 So let's start -- so please give your juror number -- oh, and
4 another choice is, I'm just disgusted with what's going on in the world, I
5 don't read the news. Okay. That's okay too. So we're going to start with
6 the back. And give me your juror number and just tell me what the
7 primary source of your news is.

8 PROSPECTIVE JUROR 401: 401. TV.

9 MR. ZAVITSANOS: Okay.

10 PROSPECTIVE JUROR 283: 283. Either TV or social media.

11 MR. ZAVITSANOS: Okay. And what social media?

12 PROSPECTIVE JUROR 283: A mixture of all of them.

13 MR. ZAVITSANOS: I'm sorry?

14 PROSPECTIVE JUROR 283: It's like just a mixture of all --

15 MR. ZAVITSANOS: Okay.

16 PROSPECTIVE JUROR 283: -- the social media.

17 MR. ZAVITSANOS: Thank you. Okay. Next.

18 PROSPECTIVE JUROR 141: 141. All of the sources that you
19 said. All of them. The paper, the Internet, TV.

20 MR. ZAVITSANOS: Okay.

21 PROSPECTIVE JUROR 141: Yeah

22 MR. ZAVITSANOS: Okay. All right. Thank you.

23 PROSPECTIVE JUROR 074: 074. TV.

24 MR. ZAVITSANOS: Okay.

25 PROSPECTIVE JUROR 522: 522. TV.

1 PROSPECTIVE JUROR 494: 494. Internet and TV.

2 MR. ZAVITSANOS: Okay.

3 PROSPECTIVE JUROR 450: 450. Social media and TV.

4 MR. ZAVITSANOS: Okay.

5 PROSPECTIVE JUROR 404: 404. The R-J and MSNBC.

6 MR. ZAVITSANOS: Okay. Thank you.

7 Yes, sir?

8 PROSPECTIVE JUROR 593: 593. Numbers 1, 2, and 4.

9 MR. ZAVITSANOS: Okay. Thank you.

10 PROSPECTIVE JUROR 593: You're welcome.

11 MR. ZAVITSANOS: You've got a good memory.

12 PROSPECTIVE JUROR 593: What?

13 PROSPECTIVE JUROR 590: 590. Online.

14 MR. ZAVITSANOS: Okay. Thank you.

15 PROSPECTIVE JUROR 564: Online and the newspaper.

16 MR. ZAVITSANOS: Okay.

17 PROSPECTIVE JUROR 532: 532. Printed newspaper.

18 MR. ZAVITSANOS: Okay. There are very few of us left.

19 PROSPECTIVE JUROR 532: I know.

20 PROSPECTIVE JUROR 095: 095. TV and Internet.

21 MR. ZAVITSANOS: Okay.

22 PROSPECTIVE JUROR 093: 093. Everything except the
23 newspaper.

24 MR. ZAVITSANOS: Okay.

25 PROSPECTIVE JUROR 082: I don't really look at the news.

1 MR. ZAVITSANOS: Okay.

2 PROSPECTIVE JUROR 049: 049. Internet and social media.

3 MR. ZAVITSANOS: All right.

4 PROSPECTIVE JUROR 048: 048. TV, Internet, or -- disgusted
5 with the news and don't watch.

6 MR. ZAVITSANOS: Okay.

7 PROSPECTIVE JUROR 038: 038. TV and newspaper.

8 MR. ZAVITSANOS: Thank you.

9 PROSPECTIVE JUROR 026: 026. I don't have time to watch
10 anything, so I don't pay -- my wife tells me things.

11 MR. ZAVITSANOS: You're watching film?

12 PROSPECTIVE JUROR 026: Right. The only time I'm ever on
13 TV.

14 MR. ZAVITSANOS: Okay. All right.

15 Yes, sir?

16 PROSPECTIVE JUROR 217: 217. Internet.

17 MR. ZAVITSANOS: Okay. Thank you.

18 PROSPECTIVE JUROR 161: 161. TV and Internet.

19 MR. ZAVITSANOS: Thank you, sir.

20 PROSPECTIVE JUROR 130: 130. Internet.

21 MR. ZAVITSANOS: Okay.

22 PROSPECTIVE JUROR 116: 116. Internet.

23 MR. ZAVITSANOS: Okay.

24 PROSPECTIVE JUROR 114: 114. TV.

25 MR. ZAVITSANOS: Okay. Your Honor, I don't know if you'd

1 like to break now, or you'd like me to keep going.

2 THE COURT: Yeah, this is a good time.

3 MR. ZAVITSANOS: Thank you.

4 THE COURT: So, Marshal Allen, will you come up, please?

5 I've got letters for employers for anyone who needs them. If
6 anyone who just joined us, if you want us to email it or fax it to your
7 employer, put your name in the contact information and gave it to the
8 marshal. And, Andrew, this juror said that she had a doctor's
9 appointment tomorrow. Will you ask her about that?

10 THE MARSHAL: Should I also bring her back afterwards?

11 THE COURT: Talk to her outside about what time her --

12 THE MARSHAL: Okay.

13 THE COURT: -- appointment is tomorrow. All right.

14 MR. ZAVITSANOS: Your Honor, may I return to my seat?

15 THE COURT: Please.

16 MR. ZAVITSANOS: Thank you.

17 THE COURT: So -- sorry. My allergies.

18 So for those of you who just joined us, if we see you in the
19 hall or in the elevator, none of us are allowed to talk to you because if
20 you're chosen for the jury, we want you to only make your decisions
21 based upon the evidence and the testimony and what happens in the
22 courtroom. So if you happen to see us, and we smile but look away, that
23 is why. The other thing is, please always wear your juror badges when
24 you come in every day. It will help you get in the building easier.

25 Now, let me give you an admonishment with regard to the

1 recess. During the recess, do not talk with each other or anyone else on
2 any subject or issue connected with the trial. Don't speculate as to what
3 the issues might be, who the witnesses might be, or who the lawyers
4 are. Don't read, watch, or listen to any report of or commentary on the
5 trial or discuss it with anyone connected with the case by any medium of
6 information, including, without limitation, newspapers, television,
7 Internet, cell phones, texting, or radio.

8 Don't conduct any research on your own relating to the case.
9 You can't even consult dictionaries, use the Internet, or use any
10 reference materials. Don't do any social media with the fact that you are
11 involved with jury selection. Don't talk, text, Tweet, Google issues, or
12 conduct any other type of research with regard to any issue, party,
13 witness, or attorney involved in the case. Most importantly, if you are
14 selected for the jury, it's important to keep an open mind. Do not form
15 or express any opinion on any subject connected with the trial unless
16 you're chosen for the jury and the jury deliberates.

17 You guys have been very attentive this morning. Thank you.
18 It's 12:10. Be -- please be outside lined up in order at 1:10.

19 [Prospective jurors out at 12:12 p.m.]

20 [Outside the presence of the Jury]

21 THE COURT: Okay. The room is clear. Plaintiff, anything for
22 the record?

23 MR. ZAVITSANOS: No, Your Honor. The only thing I'll say is
24 I think there are two people that I think are -- well, actually, three people.
25 Three people that are clearly over the line and consistent with our earlier

1 practice. I --

2 THE COURT: And I would ask you to talk to your co-counsel
3 and present --

4 MR. ZAVITSANOS: Oh, I'm sorry, Your Honor.

5 THE COURT: -- an argument right after lunch.

6 MR. ZAVITSANOS: Yes, Your Honor. I'm sorry.

7 THE COURT: Because they may agree --

8 MR. ZAVITSANOS: Yes.

9 THE COURT: -- and they may not. And that's okay too.

10 MR. ZAVITSANOS: Yes.

11 THE COURT: Now, Juror 401, Santoyo, back in the back, she
12 told us in jury selection she is a one-year cancer survivor and has a
13 doctor's appointment tomorrow. I've asked the Marshal to see when her
14 appointment is tomorrow.

15 MR. ROBERTS: Yes, Your Honor.

16 THE COURT: Very good. Have a good lunch, everybody.
17 Oh, I didn't ask --

18 MR. ZAVITSANOS: Thank you, Your Honor.

19 MR. ROBERTS: Thank you, Your Honor.

20 THE COURT: -- the Defendant.

21 MR. BLALACK: Thank you, Your Honor.

22 THE COURT: Defendant, did you have anything for the
23 record?

24 MR. ROBERTS: No, Your Honor.

25 THE COURT: Good enough. Have a good lunch, guys.

1 [Recess taken from 12:13 p.m. to 1:13 p.m.]

2 [Outside the presence of the prospective jurors]

3 THE COURT: So did the two of you get a chance to talk over
4 the break?

5 MR. ZAVITSANOS: Yes, Your Honor.

6 MR. BLALACK: We did. Mr. Roberts, Las Vegas Lee, as he is
7 known, Your Honor, is in the restroom. He will be back in a moment, but
8 at least two of three --

9 THE COURT: I'm sorry. We can wait.

10 MR. BLALACK: -- three, that we were considering two. I
11 think we can agree to stipulate to two.

12 THE COURT: Okay.

13 MR. BLALACK: And we will give the numbers as soon as he
14 returns.

15 THE COURT: As soon as -- I didn't realize he wasn't here.

16 MR. BLALACK: He kind of snuck out on me, Your Honor. So
17 I don't know if we should put a bell on him or something. Oh, there,
18 Your Honor. There he is.

19 THE COURT: Sorry, I didn't realize you weren't here.

20 MR. LEE: Oh, I am sorry, Your Honor. I apologize.

21 MR. BLALACK: Lee, I related generally, but you'll need to
22 give them the numbers.

23 THE COURT: Okay. So it was Coach Lewis, Karyl Kelly, and
24 [Nee-man] or --

25 MR. LEE: Well --

1 THE COURT: -- or Neyman.

2 MR. LEE: -- I wanted to talk to Coach Kelly, either in front of
3 the whole panel or separately. We are not ready to stipulate to him, but
4 we do stipulate to Neyman, badge 590, and I believe it's Kelly, badge 48.

5 THE COURT: So I would say just bring in the coach alone.
6 Having a lot of eyes on me, it would make me nervous. He is 26.

7 [Pause]

8 THE COURT: Okay. Juror 26, can we bring him in?

9 THE MARSHAL: Juror 26?

10 THE COURT: Yes, please.

11 THE MARSHAL: Yes, ma'am.

12 [Pause]

13 THE COURT: Okay. Coach Lewis.

14 PROSPECTIVE JUROR 026: Yes, ma'am.

15 THE COURT: We didn't want to put you on the hotspot in
16 front of everybody, but Mr. Roberts had some questions for you please.

17 PROSPECTIVE JUROR 026: Okay.

18 THE COURT: And --

19 MR. ROBERTS: Hey Coach, I'll come out here.

20 PROSPECTIVE JUROR 026: No, you're good.

21 MR. ROBERTS: So we can talk, but -- because I've got a
22 couple props to you.

23 PROSPECTIVE JUROR 026: Okay.

24 MR. ROBERTS: And this won't take too long.

25 PROSPECTIVE JUROR 026: All right.

1 MR. ROBERTS: And you're a high school teacher, so I am
2 probably telling you what you already know.

3 PROSPECTIVE JUROR 026: Okay. What's up?

4 MR. ROBERTS: So the jury, you know, one of the things that
5 Mr. Zavitsanos said right before the break was he believes in the jury
6 system.

7 PROSPECTIVE JUROR 026: Right.

8 MR. ROBERTS: And that's why we're here, to have --

9 PROSPECTIVE JUROR 026: Absolutely.

10 MR. ROBERTS: -- and the jury system resolve this. And
11 Battle Born flag, October 31st, 1864, that's coming up in two days.

12 PROSPECTIVE JUROR 026: Yes, sir.

13 MR. ROBERTS: The Civil War was when we joined the union.
14 A year earlier, Lincoln gave the Gettysburg address, talking about all of
15 those people that died. The Government by the people, of the people,
16 for the people, shall not vanish from the face of the earth, right?

17 PROSPECTIVE JUROR 026: Yes, sir.

18 MR. ROBERTS: The administering justice is part of what the
19 people do in our country. And that goes back to the Revolution. And it's
20 not just a jury, but a jury of our peers, randomly chosen from the
21 community.

22 PROSPECTIVE JUROR 026: Right.

23 MR. ROBERTS: And when people lead the jury, it gets a little
24 bit less representative of the community. The perspective of a football
25 coach, it's your life experiences going.

1 PROSPECTIVE JUROR 026: Uh-huh.

2 MR. ROBERTS: And I understand how important football is.
3 There is nothing more important to me in the world than 1979 and high
4 school football.

5 PROSPECTIVE JUROR 026: Right.

6 MR. ROBERTS: But the justice for these parties is also
7 important.

8 PROSPECTIVE JUROR 026: Sure, absolutely.

9 MR. ROBERTS: And I know that you're struggling now, with
10 practice and everything, and you're not being there. But if you stood up
11 and took that oath to be part of our jury, do you think you could set that
12 aside and pay attention and focus on what's going on or you just don't
13 think you could? Because if you can't, then none of us, you know, want a
14 jury member who can't focus on the evidence here.

15 PROSPECTIVE JUROR 026: Right. No.

16 MR. ROBERTS: But if you think you could do that,
17 recognizing how important it is and what a service to the community it
18 is, then I would like to know that too.

19 PROSPECTIVE JUROR 026: So my thing is, is that I believe
20 that high school comes, and it's 40th, right? It comes and goes. And the
21 impacts and the details and the things you make as a coach and as in --
22 in your group and will be in body, I think you lose that when the coach,
23 the guy who has been preaching and the guy who has been setting the
24 tone for the year and the season isn't there to help set that tone. And so
25 I struggle with all the work that we have put in for -- we've been

1 practicing since March, setting the tone, having me to attempt to come in
2 now, in what would be the biggest part of our season and to sit there
3 and say yeah, guys, I'm going to have to sit this one out. You guys have
4 got to do this on your own.

5 MR. ROBERTS: But you'd still be there for games, right,
6 Coach?

7 PROSPECTIVE JUROR 026: Yeah. But to implement the
8 game plans, to make sure that practice is run the way it should be run, to
9 make sure kids are given -- I think there's -- it's a double-edged sword.
10 It's like saying -- it's taking you away from your team. If you're the
11 leader of your team and you're not there, there are other people that will
12 step up. But it won't necessarily be as effective without you as the
13 lynchpin, as the head of your team. Right?

14 MR. ROBERTS: See, I fooled you, I'm not --

15 MR. ZAVITSANOS: Hold on. I'm sorry, Your Honor. I didn't
16 mean to interrupt Counsel, my apologies. If the juror can please just
17 finish?

18 PROSPECTIVE JUROR 026: So to me, that's -- I understand.
19 And normally, I love this process. I find it incredibly fascinating. I get
20 really dove into it. But at the same time, I feel like I give kids an
21 opportunity. And as their leader, I feel like that's my responsibility to be
22 there and to help lead them and to help teach them how to be
23 functioning members of the community, and to impact young people's
24 lives. And to now move on, I've got kids that have got opportunities to
25 go to college. And so I've got kids -- and state titles don't come around

1 very often. But the paper has got us picked to win it. So I don't want to
2 sit there and be, like, not giving these kids that opportunity that they
3 have worked so hard for, that we have put so many hours and time into.

4 Again, I understand. You guys have to make the decision
5 you think is best. I-- like, I appreciate your, you know, thought of me as
6 a community member and somebody who does make an impact. I
7 appreciate that. But at the same time, to me, it's not necessarily just
8 about me, it's about 50 kids who have been putting their time and their
9 efforts in. And then I feel like for me, it's about the kids. And that's why I
10 do everything I do, so. I don't -- I don't know if that answers your
11 question at all. I just -- that's my struggle. It's that I'm looking at it right
12 now, going we're supposed to be practicing in five minutes. And so it's
13 like the morning session is fine. But then everything after, I'm just, like,
14 I'm opening up the locker room right now. The kids are supposed to be
15 getting their stuff on and we're going to be out on the field here in five
16 minutes.

17 THE COURT: So would you be distracted every afternoon?

18 PROSPECTIVE JUROR 026: I mean, I do think every
19 afternoon, I would love to be here in the morning, but every afternoon, I
20 think I do think I would be. I'm not trying to get out of it. I really do think
21 I impact, and I do think I would be beneficial. But at the same time, I
22 worry that I couldn't clear my head enough to give you both the honest,
23 you know, side of me, the side that you guys both deserve equally.

24 THE COURT: I am going to tell you guys that at this point, I
25 would consider playing on his football team. I don't know what that's

1 worth.

2 MR. ZAVITSANOS: Your Honor, I've got a solution. We can
3 put on our case in the morning, they can put on their case in the
4 afternoon.

5 THE COURT: Oh, you know, this is really hard, Mr. Lewis.
6 And we really appreciate your candor, and we wanted to give you that
7 chance without every eye in the courtroom on you to tell us what's going
8 on.

9 PROSPECTIVE JUROR 026: I mean, I appreciate you at least
10 giving me the opportunity to speak.

11 THE COURT: I hope that you get to serve on a jury. You
12 would be a great person to serve.

13 PROSPECTIVE JUROR 026: Thank you, I appreciate that.

14 THE COURT: Good enough. So step on out and let us have a
15 moment to talk about this.

16 PROSPECTIVE JUROR 026: Sounds good. I appreciate it,
17 guys.

18 MR. ZAVITSANOS: Tell us, what's your mascot?

19 PROSPECTIVE JUROR 026: The Mustangs.

20 THE COURT: Do you want a moment to confer with your
21 team?

22 MR. ROBERTS: No. No, Your Honor. We'll stipulate to
23 excuse.

24 THE COURT: Thank you. So what I will do is when they
25 come in, we'll reorder and call up two more people. I'll turn it back over

1 to Mr. Zavitsanos. Sometime today, I have to orient them. And here's
2 the information for the appointment tomorrow for 401. Her appointment
3 is at 3:50 p.m., but she would want to leave by 2:30. So let's talk about
4 that at the next break.

5 MS. LUNDVALL: Your Honor, I may have missed the
6 response from Defense of Juror 026, the coach?

7 MR. ROBERTS: We stipulated.

8 THE COURT: I believe they're stipulating.

9 MS. LUNDVALL: Okay. Thank you. I appreciate that.

10 MR. ZAVITSANOS: Your Honor, could I just ask, and I'm
11 sorry, I'm trying to keep all this straight here. If I can ask a question?
12 308, that's the lady that works at the front desk. And you asked her
13 about the citizenship --

14 THE COURT: Right.

15 MR. ZAVITSANOS: -- test and all that. Is she going to -- I'm
16 having a hard time remembering where she is in the gallery.

17 MR. BLALACK: She won't make it yet.

18 MR. ZAVITSANOS: She's not going to make it yet. Then in
19 that case, Your Honor, I -- from the Plaintiff's standpoint, we agree that
20 the approach that the Court set is the right way.

21 THE COURT: Good enough. Do you wish to weigh in?

22 MR. ROBERTS: No, Your Honor.

23 THE COURT: Thank you. Okay. Andrew, we are ready to
24 bring them in.

25 THE MARSHAL: Yes, ma'am.

1 THE COURT: And just so that you guys know, even though I
2 let everyone go, when I walked over to my office, there were people still
3 in the courtroom. I stuck my head in and explained to them once again.
4 They had heard everything -- just that they could be on recess. They
5 didn't understand that they were released for recess.

6 THE MARSHAL: All rise for the jury.

7 [Prospective jurors in at 1:27 p.m.]

8 THE COURT: Thank you. Please be seated.

9 I am going to ask three people to please stand. Lewis, 26;
10 Kelly, 48; and Neyman, 590. We want to thank you for your honesty in
11 the way you answered questions today. We are going to excuse you
12 from further service on the jury, but I hope you all get the chance
13 because I know all three of you would contribute.

14 And we are going to reorder, please. And I hope your team
15 wins, Coach.

16 PROSPECTIVE JUROR 026: I appreciate it. I appreciate it
17 guys. Yeah, take a look in the paper, hopefully we're standing there.

18 UNIDENTIFIED PROSPECTIVE JUROR: No, we can't read the
19 paper.

20 PROSPECTIVE JUROR 026: Okay. Sorry. Well, don't actually
21 do that, yeah. Wait until Thanksgiving, then you'll know.

22 THE COURT: You are all such an impressive group. I really
23 hated to lose all three of them. All right. So let's reorder, please. Three
24 -- we have three spots.

25 [Pause]

1 THE COURT: And may I have your badge number, please?

2 PROSPECTIVE JUROR 218: 218.

3 THE COURT: 218. Okay. And I just have to -- would all of
4 you be available through tomorrow afternoon for jury selection? And to
5 be available for the jury, we would expect to reach a verdict by the
6 Tuesday of Thanksgiving week, November 22nd or 23rd. Yes?

7 Let me say first, we have -- Mr. Zakahi. Yes?

8 PROSPECTIVE JUROR 218: Yes.

9 THE COURT: Okay. Next, please? Your name and badge
10 number?

11 THE COURT: 224, Kelsey Dudley.

12 THE COURT RECORDER: We need the microphone, please.

13 THE COURT: Microphone? I think you indicated that you are
14 the caregiver for your mother?

15 PROSPECTIVE JUROR 224: I could be more vocal.

16 THE COURT: Great.

17 THE COURT RECORDER: Sure. Maybe stand up to that
18 microphone right there.

19 PROSPECTIVE JUROR 224: 224, Kelsey Dudley. I work for
20 Assisting Hands Home Care. It's a small business assisting with the
21 elderly. They're short caregivers and office staff at this time. So I can't
22 in good conscious say that I wouldn't rather be working and getting
23 more hours. But I'm grateful for this education as well. But would I
24 prefer to working in caregiving right now, I would.

25 THE COURT: Well, but would you be able to serve?

1 PROSPECTIVE JUROR 224: I would be able to, but I do
2 believe that it would be more beneficial for me to be assisting with my
3 owner of her business because it's time with the elderly. For me, having
4 to have someone cover for my clients, she will have to pull -- thank you --
5 clients from other -- caregivers from other clients, say who are bedridden
6 or need medications or appointments. So it would kind of be a triple
7 effect, I would think.

8 THE COURT: I see. Would you be able to concentrate and do
9 the job if you were selected for the jury?

10 PROSPECTIVE JUROR 224: I would be grateful to do so.

11 THE COURT: Okay. Thank you. And let's see, wait -- let Ms.
12 Stankoff -- are you Cody Roberts?

13 PROSPECTIVE JUROR 224: Kelsey Dudley.

14 THE COURT: No. You are. And next to you? You can go to
15 the podium.

16 THE COURT RECORDER: She can stay there.

17 THE COURT: Oh, you can stay there.

18 THE COURT RECORDER: As long as they have a
19 microphone, yeah.

20 PROSPECTIVE JUROR 244: Christine Stankoff, 244.

21 THE COURT: Yes.

22 PROSPECTIVE JUROR 244: I mentioned yesterday that my
23 husband is on disability. Well, my daughter, she doesn't drive. She's 25,
24 and she has a cast on. So we have a doctor's appointment tomorrow,
25 which I would have to drive her. And that's about 1:25 in the afternoon.

1 THE COURT: And is there any way she could get a ride?

2 PROSPECTIVE JUROR 244: My husband's got ankylosing
3 spondylitis and the inflammation is causing him problems in his eyes.
4 So he hasn't been able to drive. He has been going to the doctor's on
5 and off, to the eye doctor to get eye drops. But he prefers -- it's safer not
6 for him to drive right now.

7 THE COURT: All right. And could she call an Uber?

8 PROSPECTIVE JUROR 244: Uber is just too much money,
9 and we can't afford losing every little money we have.

10 THE COURT: Okay. All right. Have a seat. Counsel, please
11 approach?

12 [Sidebar at 1:35 p.m., ending at 1:36 p.m., not transcribed]

13 THE COURT: Ms. Stankoff, after consultation with the
14 lawyers, we didn't realize the extent of your situation at home. So we
15 will excuse you from further service on the jury. And so if -- I hope you
16 get that chance.

17 PROSPECTIVE JUROR 244: Thank you so much.

18 THE COURT: All right. Our next person in order would be
19 Cody Roberts, 252. You may.

20 PROSPECTIVE JUROR 244: Thank you.

21 THE COURT: Good morning, or it's actually afternoon. Have
22 a seat, Mr. Roberts. So would you be available to serve your community
23 through jury selection tomorrow and then through the week of
24 Thanksgiving, probably Tuesday the 23rd?

25 PROSPECTIVE JUROR 252: Yeah.

1 THE COURT: Okay. And I don't think I've asked you guys,
2 the three of you, the questions about how long have you lived in Clark
3 County. Although, I have a note that you said born and raised. So were
4 there anything that you want to reveal after hearing the other questions
5 that have been asked? You have no religious or personal bias against
6 sitting in judgment of someone else?

7 Okay. Good enough. Then let me turn it back over to Mr.
8 Zavitsanos for voir dire.

9 MR. ZAVITSANOS: Thank you, Your Honor. May I proceed?

10 THE COURT: Yes, please.

11 MR. ZAVITSANOS: Thank you. And may it please the Court
12 and counsel.

13 Okay. Welcome, the three of you. Okay. Were the three of
14 you in the courtroom yesterday when we were asking questions about
15 the burden of proof? Did you all hear that? Okay. So on behalf of all
16 these other folks, we're going to thank you that you did hear it, so I don't
17 have to go through all of that. Okay.

18 Okay. So let me ask each of you, given the fact that the
19 healthcare providers here are seeking more than \$10 million, not having
20 heard anything else about the case, if the Court says the standard is
21 preponderance of the evidence, okay, which you've heard the
22 description of, would you in your mind require a higher burden of proof,
23 something more certain, like clear and convincing or beyond a
24 reasonable doubt, before you could award that kind of money? Let me
25 start -- where is a microphone?

1 THE COURT: I think it's on the podium.

2 MR. ZAVITSANOS: Ah, here we go. Okay. So just hold that
3 up if you can. And please identify your number, please.

4 PROSPECTIVE JUROR 252: 252.

5 MR. ZAVITSANOS: Yes, sir.

6 PROSPECTIVE JUROR 252: No, I don't have a problem with
7 it.

8 MR. ZAVITSANOS: Okay. You're good with the standard of
9 proof. Okay. And while you're -- I'm going to double up here, okay?

10 PROSPECTIVE JUROR 252: All right. No problem.

11 MR. ZAVITSANOS: All right. So what about punitive
12 damages? Now, that's at a higher standard. That's clear and convincing.
13 But is that the kind of thing where either you're going to say, I just -- that
14 just doesn't jive with my value system, and I just don't feel comfortable
15 awarding punitive damages or you're going to require, like, beyond a
16 reasonable doubt before you assess penalty against someone after the
17 other party is made whole?

18 PROSPECTIVE JUROR 252: I don't have a problem with that.

19 MR. ZAVITSANOS: You don't have a problem? You're good
20 with it?

21 PROSPECTIVE JUROR 252: Yeah.

22 MR. ZAVITSANOS: Okay. Thank you. Would you please
23 pass that over?

24 Okay. Your juror number, and I don't -- if I need to repeat the
25 questions, I'm happy to do so. If you remember them, just let me know

1 what you think.

2 PROSPECTIVE JUROR 224: 224.

3 MR. ZAVITSANOS: Yes.

4 PROSPECTIVE JUROR 224: Kelsey Dudley. Being at my state
5 of life and at age 31 as of today, I would perhaps want more than
6 preponderance, just because I would need more knowledge and perhaps
7 evidence. And you have the burden of proof, so I would want to
8 understand as much as possible.

9 MR. ZAVITSANOS: Okay. So let me follow up on that before
10 I get into punitives, okay?

11 MR. ROBERTS: All right.

12 MR. ZAVITSANOS: All right. So we expect there to be quite
13 a bit of evidence in this case from both sides.

14 PROSPECTIVE JUROR 224: Right.

15 MR. ZAVITSANOS: Right. By the end of the trial, if you end
16 up on the jury, you're going to be I think a mini expert on how the
17 healthcare system works. Okay? It's going to be very detailed. Very
18 interesting. A lot of things that a lot of people don't know unless they
19 dive into it. So there's going to be a lot of discussion, a lot of evidence, a
20 lot of conflicting evidence.

21 If we, at the end of the day, in your mind, we meet that
22 preponderance standard, just meet it, but we don't get the clear and
23 convincing. In other words, you have some real doubt about -- real
24 doubt about the appropriateness of awarding \$10 million, but we're over
25 the preponderance threshold. You with me?

1 PROSPECTIVE JUROR 224: Yes.

2 MR. ZAVITSANOS: Is that the kind of situation where you're
3 just not going to be comfortable with that and you're going to find
4 yourself kind of struggling with that instruction even though you've seen
5 all this evidence, because it's really close, and you're just not going to be
6 able to do it even if we meet the preponderance standard?

7 PROSPECTIVE JUROR 224: I would be comfortable awarding
8 that amount with enough evidence, as you suggest.

9 MR. ZAVITSANOS: Okay. All right. Now next question, on
10 the punitives, same question I asked this gentleman, how about that?
11 Either of those things where you'd require, like, beyond a reasonable
12 doubt or it's just not kind of part of your value system to --

13 PROSPECTIVE JUROR 224: Can you rephrase or --

14 MR. ZAVITSANOS: Sure.

15 PROSPECTIVE JUROR 224: -- or further about punitives?

16 MR. ZAVITSANOS: Yes. So punitive damages are damages
17 above and beyond what it takes to make someone whole, right? So
18 that's separate and apart from this ten million that we're seeking. And
19 they are designed -- the Court will give you instructions on it, but I
20 anticipate it's going to be something like to punish, make an example of,
21 deter. And it is not to make someone whole. It's really a punitive is a
22 punishment thing. Okay.

23 So that standard, in order to recover those, you have to do it
24 by clear and convincing. All right. So the question -- I have two
25 questions. Number one is because they're not damages designed to

1 make someone whole but rather to punish, is this the kind of thing where
2 you're going to require beyond a reasonable doubt because it's a
3 different type of damage? Or you're just not comfortable with punitive
4 damages and even if the Court says you may award them and we've met
5 that threshold, you think, I just can't do it. I can make someone whole,
6 but I'm not going to penalize someone else above and beyond that. You
7 follow me?

8 PROSPECTIVE JUROR 224: Sure.

9 MR. ZAVITSANOS: Okay. So either of those. I mean, how
10 do you feel about those two questions?

11 PROSPECTIVE JUROR 224: With enough education and
12 proof, I'm sure I'd be fine. I'm not much into punishment in the sense of
13 that regard that you speak of.

14 MR. ZAVITSANOS: Okay.

15 PROSPECTIVE JUROR 224: That's the best I can really
16 understand.

17 MR. ZAVITSANOS: So that answer, unfortunately, raises
18 more questions. Okay. So my apologies.

19 PROSPECTIVE JUROR 224: Okay.

20 MR. ZAVITSANOS: I just got to probe a little bit, okay?

21 PROSPECTIVE JUROR 224: Sure.

22 MR. ZAVITSANOS: Okay. So that's a strong word,
23 punishment.

24 PROSPECTIVE JUROR 224: It is.

25 MR. ZAVITSANOS: Okay. It's a very strong word. And it's a

1 word that is typically used, you know, to really kind of identify the worst
2 types of behavior or the worst types of people or things that are kind of
3 reprehensible, right? And we hear that a lot in the criminal context.
4 Now, this is not a criminal case. But we hear that a lot in the criminal
5 context, right? People get punished by going to prison, paying a fine,
6 sometimes even losing their life, right, in some places in the country.

7 And there's a bunch of folks that in the civil context, believe I
8 can be a juror, and I can award compensatory damages; I can make
9 someone whole. But above and beyond that, I'm just not comfortable
10 punishing someone. I don't care what the evidence is. It's just not right.
11 Not in a civil case that just involves money. So is that what you are or --

12 PROSPECTIVE JUROR 224: I would agree with you, yeah.

13 MR. ZAVITSANOS: Okay.

14 PROSPECTIVE JUROR 224: In the sense of money, when I
15 think of healthcare crisis, as one of your other questions --

16 MR. ZAVITSANOS: Right.

17 PROSPECTIVE JUROR 224: -- based on the physicians, is it
18 based on insurance companies, or the individual. You know, that's
19 where I don't have enough education on to feel I could give the best
20 advice. But if you're going to give the evidence, it's --

21 MR. ZAVITSANOS: I'm going to get to those questions in
22 just a minute. My question now is if the Court -- and you understand the
23 amount of the punitive damages, you know, we can suggest an amount,
24 but it's entirely up to the jury. My question to you is if we meet that
25 standard and if the Court instructs on that, if you end up on the jury, is

1 this the kind of situation where if you go back there with your other
2 jurors, you say, I just -- I don't care what the proof was, I cannot award a
3 dollar of punitive damages because it's just not right and that's just not
4 part of my value system? You follow me?

5 PROSPECTIVE JUROR 224: As much as I can, yes.

6 MR. ZAVITSANOS: Okay. Okay. And I'm sorry I can't --

7 PROSPECTIVE JUROR 224: That's all right. I'm not --

8 MR. ZAVITSANOS: Yeah. No, no, no. It's okay. It's okay.
9 It's just because of the way this process works, I can't show you why
10 we're entitled to punitive damages yet, okay?

11 PROSPECTIVE JUROR 224: Right.

12 MR. ZAVITSANOS: So I got to do this in a vacuum, which is
13 hard for both lawyers. So what do you think? I mean, is this --

14 PROSPECTIVE JUROR 224: I would be as unbiased as
15 possible. That's the best I can do.

16 MR. ZAVITSANOS: Okay. But my question was a little more
17 pointed. Is there something in your background, your beliefs, your
18 values where it doesn't matter what the evidence is, you would not be
19 able to award punitive damages?

20 PROSPECTIVE JUROR 224: I would be able to award punitive
21 damages.

22 MR. ZAVITSANOS: Okay. If we met the standard?

23 PROSPECTIVE JUROR 224: Yes.

24 MR. ZAVITSANOS: Okay. All right. Thank you.

25 Okay. So let's pass it over to the next person. Okay. So you

1 understood my two questions?

2 PROSPECTIVE JUROR 218: Yes. Badge 218.

3 MR. ZAVITSANOS: Yes, sir.

4 PROSPECTIVE JUROR 218: So preponderance, I would say
5 just whatever standard. That's -- that works. That's fine for me.

6 MR. ZAVITSANOS: Okay.

7 PROSPECTIVE JUROR 218: As far as punitive, I would say,
8 like, above and beyond. Like, you got to -- like, it has to be above
9 and -- evidence has to be above and beyond to --

10 MR. ZAVITSANOS: Okay. So let me refine that a little bit and
11 see where we are.

12 PROSPECTIVE JUROR 218: Okay.

13 MR. ZAVITSANOS: Okay. So we've got preponderance,
14 that's for the actual damages to make someone whole. You got
15 punitives at clear and convincing. And then the highest standard is
16 beyond a reasonable doubt.

17 PROSPECTIVE JUROR 218: Oh.

18 MR. ZAVITSANOS: Where it is -- that's, like, that's criminal
19 stuff. You with me?

20 PROSPECTIVE JUROR 218: Right.

21 MR. ZAVITSANOS: Okay. So the clear and convincing,
22 which is for punitives, is in between the other two. You with me?

23 PROSPECTIVE JUROR 218: Yes.

24 MR. ZAVITSANOS: Okay. And I think -- I expect the Court is
25 going to instruct on punitives in that middle standard, the clear and

1 convincing, which is above the preponderance. Okay?

2 PROSPECTIVE JUROR 218: Uh-huh.

3 MR. ZAVITSANOS: So are you saying that before you could
4 award punitive damages, you would need beyond a reasonable doubt
5 because it's something above and beyond making someone whole and
6 you're going to raise the standard in your mind?

7 PROSPECTIVE JUROR 218: I think -- I think I would say yes.

8 MR. ZAVITSANOS: Okay. So in other words, if we meet the
9 clear and convincing but we don't get to beyond a reasonable doubt,
10 your values and your beliefs are such that you could not award punitive
11 damages regardless of what the evidence was if we met the clear and
12 convincing standard but did not meet beyond a reasonable doubt; is that
13 right?

14 PROSPECTIVE JUROR 218: I think for punitive only.

15 MR. ZAVITSANOS: Is that right?

16 PROSPECTIVE JUROR 218: Yes.

17 MR. ZAVITSANOS: Okay. Okay. And you feel strongly
18 about that?

19 PROSPECTIVE JUROR 218: Yes.

20 MR. ZAVITSANOS: And that's a firm belief that you have?

21 PROSPECTIVE JUROR 218: Yes.

22 MR. ZAVITSANOS: And therefore, if you ended up on the
23 jury, that's something that you would struggle with?

24 PROSPECTIVE JUROR 218: Possibly.

25 MR. ZAVITSANOS: Yeah. Okay. Okay. And even if the

1 other 11 jurors tried to talk you into dropping that standard, your values
2 are not going to let you do that, right? Or the other -- excuse me, the
3 other seven jurors. Your values are not going to let you do that, right?

4 PROSPECTIVE JUROR 218: Hard to say, right, at this point.
5 But --

6 MR. ZAVITSANOS: But at this point --

7 PROSPECTIVE JUROR 218: That's what -- that's kind of what
8 I believe at this point.

9 MR. ZAVITSANOS: Got it. Got it. Okay.

10 PROSPECTIVE JUROR 218: And that's without hearing any
11 of the evidence --

12 MR. ZAVITSANOS: Well, sure. Sure. And you haven't heard
13 any of the evidence. But right now, all we know is if the Court gave an
14 instruction and it was clear and convincing, you would have a difficult
15 time following that because you want more.

16 PROSPECTIVE JUROR 218: For punitive, yes.

17 MR. ZAVITSANOS: For punitive only. Yes. Okay. Thank
18 you, sir. Okay. Okay. Now I'm going to get to the test that you all heard,
19 right? So I'm going to give you all the same little test. And since you're
20 holding that, I'm going to start with you, okay? And I'm just going to do
21 two questions.

22 So the first one is on the healthcare crisis, A, it's the doctors'
23 fault; B, it's the insurance companies' fault; C, it's both of their faults; or
24 D, I don't have an opinion, I need to learn more.

25 PROSPECTIVE JUROR 218: 218 again. D, delta.

1 MR. ZAVITSANOS: Thank you, sir. Second, on Obamacare
2 or the ACA, meaning Affordable Care Act, A, it's good for the country; B,
3 it's a bad idea; C, I'm not sure, I need to learn more about it.

4 PROSPECTIVE JUROR 218: A.

5 MR. ZAVITSANOS: Okay. All right. Let's pass it over.
6 Healthcare crisis first. A, doctors' fault; B, insurance companies' fault; C,
7 both; or D, I don't have an opinion, I need to learn more.

8 PROSPECTIVE JUROR 224: D.

9 MR. ZAVITSANOS: Okay. And on the ACA question, the
10 Obamacare, A, good for the country; B, it's a bad idea; C, I'm not sure, I
11 need to learn more?

12 PROSPECTIVE JUROR 224: C.

13 MR. ZAVITSANOS: Okay. Pass it over.

14 PROSPECTIVE JUROR 252: 252.

15 MR. ZAVITSANOS: Okay. So --

16 PROSPECTIVE JUROR 252: C and A.

17 MR. ZAVITSANOS: Thank you, sir. You're a quick study.
18 Okay. All right. Do you all have private insurance? Do you all have
19 private insurance? Okay. So you're nodding your head yes. Would you
20 pass it down? I just need to know who it's with, if you know.

21 PROSPECTIVE JUROR 218: Through my employer. I have
22 Aetna.

23 MR. ZAVITSANOS: Aetna. Okay. So as with one of the
24 earlier answers, there are not going to be, I don't believe, any Aetna
25 witnesses and there are no claims by or against Aetna in this case, okay.

1 But I think Aetna is on a number of the documents, okay. Do you have
2 any kind of a concern -- I'm going to ask you -- I'm going to start
3 doubling up the questions here, okay?

4 So the first question is, do you have a concern that if you
5 were on a jury and the jury awarded ten plus million dollars and maybe
6 even awarded punitive, that that would impact -- would you have a
7 concern that it might impact your insurance premiums? That's the first
8 question.

9 And the second question is, the fact that Aetna may be
10 mentioned during the course of the case and is on some of the
11 documents, are you going to find yourself kind of leaning in favor of the
12 United Defendants over here? Because I anticipate in some of the
13 documents that they may be on the same chart or, you know, talked
14 about in the same industry; so do you understand my two questions?

15 PROSPECTIVE JUROR 218: Yeah. So --

16 MR. ZAVITSANOS: So let's talk about increase of premiums
17 first.

18 PROSPECTIVE JUROR 218: No.

19 MR. ZAVITSANOS: What about the second one?

20 PROSPECTIVE JUROR 218: No concern.

21 MR. ZAVITSANOS: No concern, okay. So it's just the
22 punitive issue that's troubling you, right?

23 PROSPECTIVE JUROR 218: Yes.

24 MR. ZAVITSANOS: Okay. Let's pass it over. Same thing,
25 same questions. Do you have private insurance?

1 PROSPECTIVE JUROR 224: I do not.

2 MR. ZAVITSANOS: Okay, thank you. Let's pass it on. How
3 about you?

4 PROSPECTIVE JUROR 252: I'm with Clark County
5 Self-Funded.

6 MR. ZAVITSANOS: Okay. So you may have been in the
7 courtroom. Forgive me, I'm trying to keep track of everyone here. So
8 the United Defendants, they have a number of different things that they
9 do, but for this case there are two roles that they serve that I think the
10 jury is going to hear a lot about. The first one is -- like I said, there's a lot
11 of acronyms, okay. One of the acronyms is FI. You're going to see that
12 in a bunch of the documents if you end up on the case. That stands for
13 fully insured. And that means when they are the insurance company
14 they collect the premiums. It goes into their coffers or their bank
15 account, and then they pay the claims, okay. That's the fully insured
16 side.

17 Then there's another part of what they do. It's called ASO.
18 Administrative services only where they are a third-party administrator,
19 okay, a TPA. Like I said, there's hundreds of them there. And where
20 they, like Clark County for example, Clark County is taking the risk that
21 somebody has to administer the claims, so they hire a third-party
22 administrator and a lot of times it's insurance companies because they
23 know how to do that, okay. So -- and there's issue about both of those in
24 the case, okay.

25 Now, the question is this, so do you have concerns about any

1 impact on your health coverage, benefits you might be entitled to, with
2 anything that you may do in this case if you end up on the jury if we are
3 critical of the United Defendants and how they behaved in this ASO part
4 of the case where they're acting as a third-party administrator?

5 PROSPECTIVE JUROR 252: No. I have no concerns.

6 MR. ZAVITSANOS: Okay. All right. Okay. Thank you, sir.
7 Okay. Now one thing I -- oh, so we talked about balance billing, and I
8 don't think I got to everybody because there were some hands that went
9 up and for whatever reason I stopped. So just let me real quickly -- and
10 by the way I'm almost done. There's light at the end of the tunnel and I
11 don't think it's train.

12 All right. So the first one is Juror Number 82. Where is
13 Juror Number 82? You keep moving. Oh, there you are. So I think you
14 raised your hand about balance billing, about getting a bill for part of the
15 emergency room charge.

16 PROSPECTIVE JUROR 082: I did.

17 MR. ZAVITSANOS: Okay. Anything about that that gave you
18 bad feelings? I mean, you heard the questions earlier, right?

19 PROSPECTIVE JUROR 082: Yeah.

20 MR. ZAVITSANOS: So tell me about that.

21 PROSPECTIVE JUROR 082: Well, it was two different --

22 THE COURT: Can we have the microphone on her, please?

23 MR. ZAVITSANOS: Oh, I'm sorry. And let's get your juror
24 number too, please.

25 PROSPECTIVE JUROR 082: 082.

1 MR. ZAVITSANOS: Okay.

2 PROSPECTIVE JUROR 82: So there was two instances, but
3 on both times I went to an in-network hospital at the ER and then I got a
4 bill from the doctors because they were out-of-network.

5 MR. ZAVITSANOS: Okay. So what you are describing is
6 a -- there's going to be some evidence about that, what you just said.

7 PROSPECTIVE JUROR 82: Okay.

8 MR. ZAVITSANOS: Where the doctors are out-of-network,
9 but the hospital is in-network. Are you with me?

10 PROSPECTIVE JUROR 82: Yeah.

11 MR. ZAVITSANOS: Okay. So if there's evidence like that in
12 this case, is this a situation where because of what you just described
13 where you went to an in-network hospital, but the emergency room
14 doctors happen to be out-of-network, and you got a bill for that, is that
15 the kind of thing where maybe we're starting out a little bit behind
16 because of that?

17 PROSPECTIVE JUROR 82: Well, no. I didn't have to pay the
18 bill.

19 MR. ZAVITSANOS: Okay. Why not?

20 PROSPECTIVE JUROR 82: I called my insurance, and they
21 wrote it off?

22 MR. ZAVITSANOS: And they?

23 PROSPECTIVE JUROR 82: They said I didn't have to pay it.

24 MR. ZAVITSANOS: Okay, and who's your -- I'm sorry,
25 ma'am, who's your insurance?

1 PROSPECTIVE JUROR 82: This was -- I think the insurance at
2 the time -- it was through my employer. It's a smaller company, but it
3 was, I believe United Healthcare was the -- like it was through them.

4 MR. ZAVITSANOS: It was through United Healthcare?

5 PROSPECTIVE JUROR 82: Yeah.

6 MR. ZAVITSANOS: And slightly related question. Because
7 United Healthcare took care of that bill, I imagine you were grateful for
8 that, right?

9 PROSPECTIVE JUROR 82: Yeah.

10 MR. ZAVITSANOS: Is that the kind of thing where maybe
11 you're going to give them a little bit of a head start because they treated
12 you well?

13 PROSPECTIVE JUROR 82: Not necessarily, but I guess I kind
14 of agree -- I mean, I didn't want to have to pay for that because --

15 MR. ZAVITSANOS: Well that's why you have insurance,
16 right?

17 PROSPECTIVE JUROR 82: Yeah. So I kind of was grateful
18 that I didn't have to pay, so I --

19 MR. ZAVITSANOS: Okay. So my question is just a little
20 more pointed. And that is are you going to view the evidence more
21 favorably for United? When this issue comes up, the issue you just
22 described, about out-of-network doctors at an in-network hospital?

23 PROSPECTIVE JUROR 82: No.

24 MR. ZAVITSANOS: Okay. You think you can weigh it
25 evenly?

1 PROSPECTIVE JUROR 82: Yeah.

2 MR. ZAVITSANOS: Okay. Any other, any other concerns,
3 any other issues around this issue, this balance billing thing we're talking
4 about? Any thoughts on that?

5 PROSPECTIVE JUROR 82: No.

6 MR. ZAVITSANOS: Okay. All right. Okay. And I'm sorry,
7 what's your juror number again?

8 PROSPECTIVE JUROR 82: 082.

9 MR. ZAVITSANOS: 082.

10 095, where's 095? Okay.

11 PROSPECTIVE JUROR 095: 095.

12 MR. ZAVITSANOS: Yes. Okay, so I think you raised your
13 hand as well.

14 PROSPECTIVE JUROR 095: My experience isn't in the ER.
15 So I have a chronic medical condition I've had for over 40 years.

16 MR. ZAVITSANOS: Okay.

17 PROSPECTIVE JUROR 095: I have a lot of experience with
18 doctors and insurance companies and facilities. I in recent memory have
19 had two instances where I've got to -- well my husband went to a
20 hospital. I guess it was an ER, and the doctor was not in-network. In that
21 particular case, the doctor took care of it. They took what the insurance
22 gave and that was done. Based on a relationship, he calls it professional
23 courtesy.

24 MR. ZAVITSANOS: Okay.

25 PROSPECTIVE JUROR 095: Okay.

1 MR. ZAVITSANOS: You call it halleluah.

2 PROSPECTIVE JUROR 095: Yeah, exactly. The second one is
3 here. It's a facility here that is out-of-network that I go to once every
4 other month and they're out-of-network, but the facility takes what the
5 insurance pays. So I'm thankful. Yeah, that's another one, yes. Thank
6 you.

7 MR. ZAVITSANOS: Okay. So anything about those
8 experiences that would cause you to lean one way or the other?

9 PROSPECTIVE JUROR 095: No. In both cases to me it's the
10 insurance company was good for me. The facility and the doctor was
11 good for me, so.

12 MR. ZAVITSANOS: And remind me who the insurance
13 company was.

14 PROSPECTIVE JUROR 095: My -- the insurance company, I
15 haven't told you, is Blue Cross/Blue Shield Anthem.

16 MR. ZAVITSANOS: Anthem?

17 PROSPECTIVE JUROR 095: Yeah.

18 MR. ZAVITSANOS: Okay.

19 PROSPECTIVE JUROR 095: Okay.

20 MR. ZAVITSANOS: All right. And you are 95?

21 PROSPECTIVE JUROR 095: 95, yes.

22 MR. ZAVITSANOS: Okay. So let's now go to 26. Where's
23 26? Oh, okay. All right. 217. Okay, so I may have missed, I may have
24 written this down wrong. I thought you raised your hand about getting
25 one of these bills that I'm talking about, did I?

1 PROSPECTIVE JUROR 217: Yeah, did.

2 MR. ZAVITSANOS: Okay. So tell me about that, sir.

3 PROSPECTIVE JUROR 217: It was a while ago in college. I
4 think the bill actually was due to the ambulance ride more so than the
5 services rendered, the amount that wasn't covered and really wasn't part
6 of the deductible.

7 MR. ZAVITSANOS: Okay. And you got a bill from the --

8 [Cell phone ringing]

9 THE COURT: Okay, polite reminder. Nobody is going to get
10 thrown into jail for that, but please turn your phones off.

11 MR. ZAVITSANOS: This is what happens when we give an
12 iPad to a 60-year-old man.

13 UNIDENTIFIED SPEAKER: It's true. I thought it was turned
14 off. Watch it buddy.

15 MR. ZAVITSANOS: Okay. All right. So -- okay, so this was
16 the ambulance company, right?

17 PROSPECTIVE JUROR 217: Yeah. I think that's how it shook
18 out.

19 MR. ZAVITSANOS: Okay.

20 PROSPECTIVE JUROR 217: As far as I can remember, yeah.

21 MR. ZAVITSANOS: So were you expecting a bill? Were you
22 surprised by the bill?

23 PROSPECTIVE JUROR 217: No. It was, I think, one of my
24 first experiences with it. So after I got it, it was kind of quickly explained
25 that it's expensive to go that route, so I ended up just paying it.

1 MR. ZAVITSANOS: Okay. That's an expensive taxi run,
2 right?

3 PROSPECTIVE JUROR 217: Yeah.

4 MR. ZAVITSANOS: Okay. Anything about that, sir, one way
5 or another where either side is getting a head start?

6 PROSPECTIVE JUROR 217: No.

7 MR. ZAVITSANOS: Okay, thank you. All right. Where's 161?
8 Okay, and I think you raised your hand as well; is that right?

9 PROSPECTIVE JUROR 161: Yes.

10 MR. ZAVITSANOS: Okay. So tell me about your
11 circumstances.

12 PROSPECTIVE JUROR 161: Well this is not emergency room,
13 but before COVID hit I had surgery on my nerves on my leg. And
14 basically, I'm in-network Aetna and I just kept asking them and asking
15 them, just in-network, and they said yes, yes. And the whole COVID
16 thing came, and they had a hard time scheduling me. Finally after like
17 two or three delays, they got it scheduled at a facility on west Sahara. I
18 got the surgery done. And then two weeks later after that, they gave me
19 a bill for like \$41,000.

20 MR. ZAVITSANOS: Who is they?

21 PROSPECTIVE JUROR 161: The -- Sahara --

22 MR. ZAVITSANOS: The hospital?

23 PROSPECTIVE JUROR 161: Yeah, the hospital.

24 MR. ZAVITSANOS: Okay.

25 PROSPECTIVE JUROR 161: It was a surgery center right

1 across like Honda West on Sahara.

2 MR. ZAVITSANOS: Okay, so let me ask this. And I don't
3 mean to pry, and I'm not going to ask any kind of medical stuff.

4 PROSPECTIVE JUROR 161: Yeah.

5 MR. ZAVITSANOS: So, you know, sometimes we go to the
6 doctor, or we got to the hospital, and we have a procedure done and we
7 may get a bill and in the bill it says this claim is pending with your
8 insurance company, okay. And then the insurance company processes
9 it, processes that bill. They're in-network and then you don't pay
10 anything else. You may or may not know what the insurance company
11 paid, how much of a discount off of that or whatever they got, right?

12 PROSPECTIVE JUROR 161: Right.

13 MR. ZAVITSANOS: Is that the situation we're talking about
14 or was this a situation where they were looking to you to pay that --
15 those funds?

16 PROSPECTIVE JUROR 161: The doctor that I went through
17 was in-network, but the facility that they had surgery in -- because it was
18 COVID, he had a facility that I always went to, but it was booked, and he
19 kept trying to get me in because I kept scheduling it. And it was kind of, I
20 think, of a rush job, so they put me in this one off of west Sahara. And
21 come to find out that the facility wasn't in-network. That's why they
22 charged me that bill.

23 So the lady at the facility said you shouldn't be paying this
24 because you already paid my co-pay of \$500. I paid that before the
25 surgery. And she says, well, you shouldn't be paying this. So I said well,

1 can I put in an appeal? And she goes yeah, we'll write a letter. So we
2 wrote a letter and, you know, it came back. Anyways, they got it down to
3 \$1,400 and the appeal went through. It didn't go nowhere, but I still had
4 to pay the \$1,400, you know, out-of-pocket because they took it down
5 from \$41,000 to \$1,400. But they told me at the facility, they said you
6 already paid your co-pay. You really shouldn't do this.

7 And basically what it was, was the lady who did the
8 scheduling, because it was so busy at that time, maybe didn't look to see
9 if that facility was in-network.

10 MR. ZAVITSANOS: Okay. The lady who did the scheduling
11 at the surgery center or at the insurance company?

12 PROSPECTIVE JUROR 161: Yeah. The lady who did the
13 surgery. The lady who did the scheduling for the doctor. I never -- it was
14 always through email.

15 MR. ZAVITSANOS: Got it.

16 PROSPECTIVE JUROR 161: And I never could get ahold of
17 her.

18 MR. ZAVITSANOS: Okay.

19 PROSPECTIVE JUROR 161: And it was just, you know, so.

20 MR. ZAVITSANOS: Okay. So let me ask you this. I mean,
21 one of the -- if you end up on the jury, I anticipate some of the evidence
22 you may hear will be a pretty vigorous difference of opinion between
23 this side and that side --

24 PROSPECTIVE JUROR 161: Yeah.

25 MR. ZAVITSANOS: Over whether the bill charges, our

1 facilities, are reasonable or not, okay. They say they're not. We say they
2 are. Now, the experience that you went through, especially with pretty
3 substantial cut from over \$40,000 down to what you said, and that's
4 not -- I mean, what you went through, that particular thing is not going to
5 be in evidence here, right, but you went through that. So when that
6 evidence comes in about whether these bill charges are appropriate or
7 not is what you went through, the kind of thing that's going to -- that's
8 gonna seep its way in. Well, you're saying, I've been there, I've done
9 that. I don't need to hear anything more. You know, these bill charges,
10 huh-uh. It's not -- this doesn't smell right, based on my experience,
11 rather than the evidence. You follow me?

12 PROSPECTIVE JUROR 161: Yeah.

13 MR. ZAVITSANOS: So what do you think?

14 PROSPECTIVE JUROR 161: Well, I mean, I was really mad
15 because they kept telling me it was in-network, in-network, and I kept
16 stressing that because I knew I -- you know, because I knew how my
17 insurance was. And next thing I know, I remember the lady saying, you
18 know, you really shouldn't have to pay this. So I mean, I'm kind of bitter
19 about it. I mean, I don't know what to tell you.

20 MR. ZAVITSANOS: Well, let me refine my question a little
21 bit, okay? So I don't think there's going to be an issue in this case like
22 yours where somebody thought they were, you know -- there's not going
23 to be a dispute or an issue on the Court's charge, I don't believe, about
24 somebody being misled that this was in-network versus not being in-
25 network, okay? There's not going to be a specific question on that. The

1 issue is the one I just said, which is are the bill charges usual, are they
2 customary, are they reasonable, are they appropriate. They say no, we
3 say yes. Now, what I'm asking you is not being misled, not that part
4 because it seems like that's what you're really upset about.

5 PROSPECTIVE JUROR 161: Yeah.

6 MR. ZAVITSANOS: It's the other part that I'm asking you
7 about, okay, the second part of your -- the second part of what you just
8 shared with us, and that is the billed charge versus what you ended up
9 paying, okay? Is that experience going to impact your ability to evaluate
10 the evidence when our people get up and say, this is why the bill charge
11 is appropriate. You're really not going to be paying attention to that
12 because like, I've heard this before.

13 PROSPECTIVE JUROR 161: I mean, it's -- well --

14 MR. ZAVITSANOS: And look, I just -- I gotta -- I just need --

15 PROSPECTIVE JUROR 161: I was really -- I mean, I guess I
16 could really try not to, but it's just -- it wasn't that far -- it was only like a
17 year and a half ago, two years ago, you know. And this whole -- I had a
18 hard time even getting in, and it's just like I couldn't believe that
19 happened, but I mean, I guess I could. I don't know.

20 MR. ZAVITSANOS: Well -- and I'm sorry. I don't mean to --

21 PROSPECTIVE JUROR 161: Yeah, I know.

22 MR. ZAVITSANOS: This is my only chance to talk to you.

23 PROSPECTIVE JUROR 161: Yeah, that's fine.

24 MR. ZAVITSANOS: Okay. Right. So, look -- and this is
25 directed to everybody. I'm not asking you what you think you should do,

1 okay. I mean, that's easy, right?

2 PROSPECTIVE JUROR 161: Right.

3 MR. ZAVITSANOS: That's easy. I'm really asking to kind of
4 open you up here and tell us -- I mean, that sounds like kind of a difficult
5 situation you went through, right?

6 PROSPECTIVE JUROR 161: Yeah.

7 MR. ZAVITSANOS: And I'm sure you were worried about it.
8 And you were probably thinking, oh my goodness, you know, the
9 economy has been impacted, I've got bills to pay.

10 PROSPECTIVE JUROR 161: Right. Well, they scheduled me
11 three times. Three different times.

12 MR. ZAVITSANOS: Okay.

13 PROSPECTIVE JUROR 161: So --

14 MR. ZAVITSANOS: So the question is then, when this
15 testimony comes in about bill charges, and punitive damages, and
16 you've got these, you know, facilities, is this the kind of thing where
17 you're just not going to evaluate it the same as when the insurance
18 companies get up, and they say, man, those bill charges are not
19 appropriate, and you're going to give a lot more attention to their side
20 than to our side because of your experience?

21 PROSPECTIVE JUROR 161: I don't want to lie. I mean, I
22 guess I'm a little favorable.

23 MR. ZAVITSANOS: Sure. No, that's okay. It's okay.

24 PROSPECTIVE JUROR 161: Yeah.

25 MR. ZAVITSANOS: It's okay. And listen, I just want your

1 honesty. Just --

2 PROSPECTIVE JUROR 161: Yeah, that's my honesty. I mean,
3 the morning of the surgery at 7:30, they had me on the table --

4 MR. ZAVITSANOS: Yep.

5 PROSPECTIVE JUROR 161: -- and they had the IV in me, and
6 then they came back, and they said, oh, the anesthesiologist isn't here,
7 we've got to get you back here at 4:30. So I had to go back at 4:30.
8 Didn't eat nothing. Just drank a little bit of water, and they put me back.
9 I mean, it was just a terrible experience. And then like after the whole
10 thing, like I said, they gave me that bill for like, you know, 41,000, I
11 freaked out. And then, you know, all of the -- you know, the facility, they
12 was always saying -- you know, the lady at the facility was saying, you
13 know, you really shouldn't pay this and --

14 MR. ZAVITSANOS: Okay.

15 PROSPECTIVE JUROR 161: But anyways, I mean, that's my
16 honest, you know --

17 MR. ZAVITSANOS: Yeah, absolutely.

18 PROSPECTIVE JUROR 161: Yeah.

19 MR. ZAVITSANOS: That's what I want. That's what I want.
20 So here's the punchline. Given the issues in this case and given the little
21 that you've heard from me --

22 PROSPECTIVE JUROR 161: Yeah.

23 MR. ZAVITSANOS: -- and given what you've went through,
24 okay, is this the kind of situation where you think, well, you know, I want
25 to be fair, I want to be openminded, but this may not be the right case for

1 me?

2 PROSPECTIVE JUROR 161: Yes.

3 MR. ZAVITSANOS: Okay. Because you're going to find
4 yourself, whether consciously --

5 PROSPECTIVE JUROR 161: Yeah.

6 MR. ZAVITSANOS: -- or subconsciously just naturally
7 gravitating towards the Defense for reasons other than the evidence,
8 right?

9 PROSPECTIVE JUROR 161: Yes.

10 MR. ZAVITSANOS: Okay. Because of your experience?

11 PROSPECTIVE JUROR 161: Yes.

12 MR. ZAVITSANOS: Okay. And therefore, it'd be really
13 difficult for you to really kind of give this your all, right?

14 PROSPECTIVE JUROR 161: Yes.

15 MR. ZAVITSANOS: Okay.

16 PROSPECTIVE JUROR 161: I'm sorry to say that.

17 MR. ZAVITSANOS: No, no, no. Hey, listen, it's okay. It's
18 okay. I really very much appreciate your --

19 PROSPECTIVE JUROR 161: Yeah.

20 MR. ZAVITSANOS: -- sincerity and your honesty, okay.

21 PROSPECTIVE JUROR 161: Yeah.

22 MR. ZAVITSANOS: Thank you, sir. Okay. And then finally,
23 130. Yes. Okay. I think -- did you raise your hand also to this balance
24 billing issue?

25 PROSPECTIVE JUROR 130: Yeah.

1 MR. ZAVITSANOS: Okay. So you've been hearing me talk
2 for three days, so you know the question, so have at it. What do we got?

3 PROSPECTIVE JUROR 130: So, 130. I was in the -- I had the
4 same issues. I went to ER and paid the ER bill at the hospital, and then
5 we got bills later, and we basically paid the bills.

6 MR. ZAVITSANOS: Okay. So let me make sure I understand.
7 When you say you paid the bill at the hospital --

8 PROSPECTIVE JUROR 130: Yeah.

9 MR. ZAVITSANOS: -- do you mean for the facility?

10 PROSPECTIVE JUROR 130: I paid --

11 MR. ZAVITSANOS: For the ambulance? For the doctor? For
12 the anesthesiologist? Which bill did you pay?

13 PROSPECTIVE JUROR 130: I believe it was for the hospital
14 ER. I don't know exactly who the payment went to.

15 MR. ZAVITSANOS: Which facility was that?

16 PROSPECTIVE JUROR 130: Centennial.

17 MR. ZAVITSANOS: Okay. And who was your insurer at the
18 time?

19 PROSPECTIVE JUROR 130: Blue Cross.

20 MR. ZAVITSANOS: Okay. And I don't mean to pry into your
21 medical history by any means.

22 PROSPECTIVE JUROR 130: It's all right.

23 MR. ZAVITSANOS: Did you then receive additional bills from
24 the hospital, the same people that you paid, or did you get bills from
25 other healthcare professionals that tended to you while you were there?

1 PROSPECTIVE JUROR 130: Others.

2 MR. ZAVITSANOS: From others?

3 PROSPECTIVE JUROR 130: Yeah.

4 MR. ZAVITSANOS: Okay. And did -- I gather then, you didn't
5 -- and I [indiscernible] start doing this, but you didn't really understand, I
6 gather, that the doctors and certain others bill separate from the
7 hospital?

8 PROSPECTIVE JUROR 130: I figured it out.

9 MR. ZAVITSANOS: Oh, you did? Okay.

10 PROSPECTIVE JUROR 130: Yeah.

11 MR. ZAVITSANOS: Okay. And so did you do anything other
12 than pay the bill? Did you call your insurance company? Call the
13 doctors? Appeal? Anything like that?

14 PROSPECTIVE JUROR 130: Not a whole lot. We looked
15 through the bills. It said the normal charge and customary charges, and
16 there was some discounts, and what the insurance paid and what was
17 leftover, so --

18 MR. ZAVITSANOS: And you paid it?

19 PROSPECTIVE JUROR 130: And we did pay it.

20 MR. ZAVITSANOS: Okay. And did -- and you heard my
21 question of this gentleman here, right? There's going to be -- one of the
22 issues in the case is this issue of the bill charge versus what the United
23 Defendants, have already paid on these charges. There's a difference
24 between what they paid and what we charged, okay?

25 PROSPECTIVE JUROR 130: Yeah.

1 MR. ZAVITSANOS: Now, it sounds like your situation, except
2 instead of the doctor -- the three groups here with the doctors, instead of
3 that dispute being between the doctors and the insurance company, you
4 -- it was you who paid the bill, right?

5 PROSPECTIVE JUROR 130: Well, I mean, the insurance
6 company paid -- once I met my deductible, the insurance company starts
7 kicking in, and they -- I don't know if it's 80 percent or 70 percent, and I
8 pay the different.

9 MR. ZAVITSANOS: Okay. So this was your co-pay or your --

10 PROSPECTIVE JUROR 130: So I have a high deductible, so
11 once I got past that, then they start paying 80 percent --

12 MR. ZAVITSANOS: Okay.

13 PROSPECTIVE JUROR 130: -- of the bill.

14 MR. ZAVITSANOS: So anything about that that is going to
15 cause you to, again, kind of be very skeptical, before you even sit on the
16 jury, of any claims in this case because of what you went through in
17 terms of evaluating these bill charges?

18 PROSPECTIVE JUROR 130: Well, I guess I kind of rely on the
19 doctor or the insurance company to say, hey, this is a reasonable
20 customary charge, and I see how the bill gets affected by that. It's --

21 MR. ZAVITSANOS: Well --

22 PROSPECTIVE JUROR 130: I don't know what --

23 MR. ZAVITSANOS: Yeah. Let me do it this way. This case is
24 going to deal with that.

25 PROSPECTIVE JUROR 130: Right.

1 MR. ZAVITSANOS: What you just said, except we disagree
2 on that, okay? There's a vigorous disagreement between the two sides
3 on that, and so my question is, when the people for the United
4 Defendants take the stand and they say, yeah, we cut the bill charge and
5 we think it's appropriate, are you going to give more weight to that just
6 based on your experience and based on that fact alone rather than the
7 evidence in the case?

8 PROSPECTIVE JUROR 130: I think I would -- I kind of rely on
9 them to -- I don't know what the bills -- I don't know what the radiology
10 charges, so I kind of rely on the healthcare guys or the insurance to let
11 me know what it's --

12 MR. ZAVITSANOS: Well, now you gave two answers. You
13 said you would rely on the healthcare guy or the insurance company.
14 Now, which one --

15 PROSPECTIVE JUROR 130: The insurance company.

16 MR. ZAVITSANOS: Okay. So in other words, if it's the
17 insurance company talking about what they think is appropriate, you're
18 going to rely on the insurance company more than the healthcare
19 provider, because they're an insurance company and based on your
20 experience rather than the evidence that comes in, fair?

21 PROSPECTIVE JUROR 130: I think I do, yeah. I'm guessing
22 they have more data on what the normal charges are.

23 MR. ZAVITSANOS: Okay. So in other words, I mean -- let
24 me give you an example, okay? Some people sit on criminal trials.

25 PROSPECTIVE JUROR 130: Right.

1 MR. ZAVITSANOS: And the police officer will come in
2 dressed in his uniform, and he'll testify, and you'll say, well, you know,
3 just the fact he's a police officer, I'm going to believe him a lot more.
4 Okay. And so that's kind of what I'm getting at.

5 PROSPECTIVE JUROR 130: No.

6 MR. ZAVITSANOS: You would put more weight because of
7 your experience, not having heard any evidence, on the United
8 Defendants, than on the three Plaintiffs here, right, in terms of what the
9 appropriate reimbursement charge is, fair?

10 PROSPECTIVE JUROR 130: Yeah. I guess typically, I would
11 maybe rely on their expertise side of that.

12 MR. ZAVITSANOS: Okay. And therefore, on that issue -- and
13 I know you're struggling because it's -- now, look, I just want your
14 honest, okay, which you've been doing great. I mean, A+, okay. And
15 therefore, much like with this gentleman that I asked, this is one of those
16 cases where you might be better off maybe serving on a different kind of
17 case than on this one given that belief that the insurance company must
18 be right because of your experience, right?

19 PROSPECTIVE JUROR 130: Yeah. Well, and I don't always
20 think that the insurance company is right. It's just if it makes sense as I
21 see the bill, that's maybe more so that I'm looking at it.

22 MR. ZAVITSANOS: Well, look, I'm not asking you to check
23 your common sense at the door.

24 PROSPECTIVE JUROR 130: Yeah.

25 MR. ZAVITSANOS: And I want you to look at everything

1 critically. What I'm getting at, though, is the fact that the -- if there's a
2 disagreement, you are just naturally going to rely more on the insurance
3 companies because of who they are, right?

4 PROSPECTIVE JUROR 130: Probably, yes.

5 MR. ZAVITSANOS: Okay. And therefore, that would impact
6 your ability to be, you know -- to have a start -- at the same starting line
7 in this case, right? Probably?

8 PROSPECTIVE JUROR 130: Probably, yes.

9 MR. ZAVITSANOS: And it would make it difficult for you
10 then to be, you know, look, the kind of juror that would completely weigh
11 things evenly, given that experience, right?

12 PROSPECTIVE JUROR 130: Sure, yes.

13 MR. ZAVITSANOS: Okay. All right. And you are number
14 130, right?

15 PROSPECTIVE JUROR 130: 130.

16 MR. ZAVITSANOS: Okay. Okay. Okay. I just got handed a
17 note by the smartest person in the room, so -- well, the smartest person I
18 know. 593. Where's 593? Okay. I guess I missed it. You also got a
19 balance bill, right?

20 PROSPECTIVE JUROR 593: No, sir. You didn't miss it. I did
21 not.

22 MR. ZAVITSANOS: Oh, you didn't? Okay.

23 PROSPECTIVE JUROR 593: Yeah. Oh, I'm 593.

24 MR. ZAVITSANOS: Oh, you're 953?

25 PROSPECTIVE JUROR 593.

1 MR. ZAVITSANOS: 593. Okay. Sorry. Okay.

2 We're almost done. All right. Here's what I want. The whole
3 panel now. Let's go row by row, and it's yourself -- well, not yourself.
4 Family member or close friend who is in the healthcare field of any kind.
5 A chiropractor, medical doctor, osteopath, podiatrist, acupuncturist.
6 Anybody in the medical field that is a close friend of yours or a family
7 member? Let's start in the back row. Back row. Can we pass the mic,
8 please? And can you give your juror number?

9 PROSPECTIVE JUROR 283: 283.

10 MR. ZAVITSANOS: Yes.

11 PROSPECTIVE JUROR 283: I have a close friend who's a
12 nurse.

13 MR. ZAVITSANOS: Close friend who's a nurse. And what
14 facility do they work at?

15 PROSPECTIVE JUROR 283: I believe she works at
16 Mountain View.

17 MR. ZAVITSANOS: Okay. And how long have you all been
18 friends?

19 PROSPECTIVE JUROR 283: She's my best friend's mom,
20 so --

21 MR. ZAVITSANOS: Can you just speak a little --

22 PROSPECTIVE JUROR 283: She's my best friend's mom, so
23 quite a while.

24 MR. ZAVITSANOS: Okay. Anything about that that would
25 kind of -- I mean, look, most of the charges here involve care by

1 doctors --

2 PROSPECTIVE JUROR 283: Uh-huh.

3 MR. ZAVITSANOS: -- okay? So anything about that with
4 your friend that would kind of sway you one way or another?

5 PROSPECTIVE JUROR 283: I don't think so.

6 MR. ZAVITSANOS: I mean, are they critical of some of the
7 doctors they work for sometimes?

8 PROSPECTIVE JUROR 283: Yeah, sometimes.

9 MR. ZAVITSANOS: Okay. Anything about that that might
10 cause you to, you know, maybe like --

11 PROSPECTIVE JUROR 283: No. I -- no.

12 MR. ZAVITSANOS: Okay. Thank you. All right. Second row.
13 Anybody, a family member or close friend that is in any part of the
14 health field on the provider's side, okay? Yes, ma'am.

15 PROSPECTIVE JUROR 522: 522. My best friend that I worked
16 with for 40 years is also an RN.

17 MR. ZAVITSANOS: She's an RN?

18 PROSPECTIVE JUROR 522: Yes.

19 MR. ZAVITSANOS: At what facility?

20 PROSPECTIVE JUROR 522: Mountain View.

21 MR. ZAVITSANOS: Okay. And same question that I asked
22 this nice lady in the back. Any -- sometimes -- look, we've -- we all have
23 criticisms of people we work with sometimes, you know. It's just the
24 nature of the beast. Anything about your friendship with this person
25 that -- the fact that most of the claims here involved doctors, that would

1 cause you to lean one way or another?

2 PROSPECTIVE JUROR 522: No.

3 MR. ZAVITSANOS: Okay. Anybody else in the second row?

4 Yes, sir.

5 PROSPECTIVE JUROR 494: 494. Both my parents are RNs.

6 My dad is retired. My mom's still currently working.

7 MR. ZAVITSANOS: Okay. And where did your dad work and
8 where does your mom work?

9 PROSPECTIVE JUROR 494: They worked in California,
10 Northern California. They worked in hospice, childcare, hospitals, so
11 kind of a broad range.

12 MR. ZAVITSANOS: Okay. So -- okay. So you grew up
13 washing your hands ten times a day, right?

14 PROSPECTIVE JUROR 494: Very health conscious, sure.

15 MR. ZAVITSANOS: Okay. So anything about that, sir, that's
16 going to cause you to lean one way or another?

17 PROSPECTIVE JUROR 494: No bias.

18 MR. ZAVITSANOS: Okay. Thank you, sir. Anybody else in
19 the second row? Let's go to the third row. Anybody in the third row?
20 Okay. We've got a hand here and we're just going go right down the
21 line. Give us your juror number.

22 PROSPECTIVE JUROR 532: 532.

23 MR. ZAVITSANOS: Yes, sir?

24 PROSPECTIVE JUROR 532: I have three nieces that are
25 nurses, and I have a sister-in-law that's a retired nurse. And they're not

1 in state, though. They're all back in Wisconsin.

2 MR. ZAVITSANOS: Okay.

3 PROSPECTIVE JUROR 532: So really don't have any close
4 contact with their experiences in the medical field.

5 MR. ZAVITSANOS: Okay.

6 PROSPECTIVE JUROR 532: So --

7 MR. ZAVITSANOS: Anything about that that --

8 PROSPECTIVE JUROR 532: No.

9 MR. ZAVITSANOS: -- is going to move the needle one way
10 or another?

11 PROSPECTIVE JUROR 532: No, it would not.

12 MR. ZAVITSANOS: Okay. Thank you. Now let's go next.
13 Juror number, please.

14 PROSPECTIVE JUROR 564: 564.

15 MR. ZAVITSANOS: Yes?

16 PROSPECTIVE JUROR 564: Yeah. My son's a nurse and my
17 mom, she's retired from -- she worked in the emergency room years ago.
18 Exactly what she did --

19 MR. ZAVITSANOS: She worked -- I'm sorry. She worked
20 in --

21 PROSPECTIVE JUROR 564: The emergency room.

22 MR. ZAVITSANOS: Okay.

23 PROSPECTIVE JUROR 564: Years ago. I was still young. I
24 don't know exactly what she did, but --

25 MR. ZAVITSANOS: Okay.

1 PROSPECTIVE JUROR 564: -- she's retired --

2 MR. ZAVITSANOS: Okay.

3 PROSPECTIVE JUROR 564: -- you know. She wasn't a nurse
4 or anything, so I don't know what she did, but --

5 MR. ZAVITSANOS: Okay. So anything about that? I mean,
6 I'm sure you heard a lot of stories and --

7 MR. ZAVITSANOS: I'm sure you did. I'm sure you did. So
8 anything about that that would cause you to maybe, you know, I don't
9 know, wrinkle your nose the fact that this is -- most of these claims
10 involve doctors?

11 PROSPECTIVE JUROR 564: Uh-huh. No. I don't -- it's hard
12 for me to say right now. I real -- I'm just going to be honest. It's just
13 hard to say right now.

14 MR. ZAVITSANOS: And that's -- listen, that's all we want.

15 PROSPECTIVE JUROR 564: Yeah.

16 MR. ZAVITSANOS: And so, look, I get it. Sometimes it's the
17 nurse -- sometimes it's the nurse that does 90 percent of the care and
18 gets 2 percent of the credit, right?

19 PROSPECTIVE JUROR 564: Right.

20 MR. ZAVITSANOS: Like your mom, right?

21 PROSPECTIVE JUROR 564: Yeah.

22 MR. ZAVITSANOS: Okay. So here's what I'm asking. The
23 quality of care, what was done on these procedures, none of that's
24 coming into evidence, okay? And the interpersonal issues between
25 nurses and doctors, not going to be an issue. But you obviously grew up

1 hearing some of that, right?

2 PROSPECTIVE JUROR 564: Yes.

3 MR. ZAVITSANOS: Okay. So we got -- most of the charges
4 involve doctors. All right. What do you think?

5 PROSPECTIVE JUROR 564: Well, like I said, it's too soon for
6 me to tell right now.

7 MR. ZAVITSANOS: Okay. All right. So are we starting out a
8 little bit behind because maybe if your mom -- God bless her -- if she had
9 a bad day with a particular doctor sometime --

10 PROSPECTIVE JUROR 564: Uh-huh.

11 MR. ZAVITSANOS: -- that you know, you remembered that
12 when you were a kid maybe and you know, we're starting a little bit
13 behind?

14 PROSPECTIVE JUROR 564: No, I wouldn't say that, because
15 actually, I was so young, I don't remember a lot of it. I just remember a
16 lot of slamming doors and cursing. So --

17 MR. ZAVITSANOS: Okay. All right. So last question and
18 we're going to move on. Are we starting at all behind?

19 PROSPECTIVE JUROR 564: No, I don't think so.

20 MR. ZAVITSANOS: Okay. Thank you, sir. All right. Next?
21 Yes, sir.

22 PROSPECTIVE JUROR 593: 593. I can't top that story, but
23 numerous friends are nurses. Siena Campus, Henderson Hospital,
24 Portland, Oregon, and retired nurses and sons at UNLV Nursing School
25 that I'm paying for. No biases.

1 MR. ZAVITSANOS: Okay. Thank you, sir.

2 PROSPECTIVE JUROR 038: I have a cousin in California who
3 is a nurse. Local fellow employee that used to work with us is now a
4 registered nurse -- excuse me -- registered nurse with the VA Hospital.
5 And I have no bias.

6 MR. ZAVITSANOS: Okay. Thank you. All right. How about
7 in the second row? Any -- it's a clean sweep here. Wow. Okay. Let's
8 just go right down the row. Go ahead.

9 PROSPECTIVE JUROR 130: 130.

10 MR. ZAVITSANOS: Yes, sir.

11 PROSPECTIVE JUROR 130: I have two sisters, RNs and a
12 daughter that's an RN.

13 MR. ZAVITSANOS: Okay. Same question.

14 PROSPECTIVE JUROR 130: Yeah. No biases.

15 MR. ZAVITSANOS: Well, I don't want to use the word, bias.
16 That's kind of a loaded word these days. Are we starting out a little bit
17 behind? I mean, are you --

18 PROSPECTIVE JUROR 130: No.

19 MR. ZAVITSANOS: -- the fact that it's doctors. Anything
20 about that?

21 PROSPECTIVE JUROR 130: No.

22 MR. ZAVITSANOS: Okay. All right. Thank you, sir. Let's go
23 right down the list here.

24 PROSPECTIVE JUROR 116: 116.

25 MR. ZAVITSANOS: Yes.

1 PROSPECTIVE JUROR 116: My partner is an RN.

2 MR. ZAVITSANOS: Okay. Same question.

3 PROSPECTIVE JUROR 116: No. Equal footing, so --

4 MR. ZAVITSANOS: Okay. So --

5 PROSPECTIVE JUROR 116: -- both insurance and --

6 MR. ZAVITSANOS: -- even if your partner came home

7 complaining one day about having to deal with some --

8 PROSPECTIVE JUROR 116: Well, she does, yeah.

9 MR. ZAVITSANOS: Okay.

10 PROSPECTIVE JUROR 116: But I mean, yeah. I mean, I feel
11 like the insurance and the claims and all of that is kind of like a black box,
12 and we don't really talk about that, so --

13 MR. ZAVITSANOS: Okay. But nobody's starting out ahead
14 or behind here?

15 PROSPECTIVE JUROR 116: No.

16 MR. ZAVITSANOS: Okay. Let's go right down the line.

17 PROSPECTIVE JUROR 095: 095.

18 MR. ZAVITSANOS: Yes.

19 PROSPECTIVE JUROR 095: My husband is a retired nurse
20 paramedic. He worked at a Level 1 trauma center in the emergency
21 room in Tampa.

22 MR. ZAVITSANOS: In --

23 PROSPECTIVE JUROR 095: Tampa, Florida.

24 MR. ZAVITSANOS: Oh, okay.

25 PROSPECTIVE JUROR 095: Yeah. Not locally here, though.

1 MR. ZAVITSANOS: Okay.

2 PROSPECTIVE JUROR 095: Again, like I said before, no bias
3 between --

4 MR. ZAVITSANOS: Okay. Thank you.

5 PROSPECTIVE JUROR 095: -- between the two.

6 MR. ZAVITSANOS: Thank you very much. Next?

7 PROSPECTIVE JUROR 093: 093. My sister's in the nursing
8 field. She used to be an RN, but then she went on to get her master's
9 degree and she's more into like the informatics or something. It's called
10 like the -- she trains the RNs and the hospital staff on how to use the
11 computer system.

12 MR. ZAVITSANOS: Okay.

13 PROSPECTIVE JUROR 093: But she's not here locally. She's
14 in Illinois.

15 MR. ZAVITSANOS: Okay. Anything about that --

16 PROSPECTIVE JUROR 093: No.

17 MR. ZAVITSANOS: -- one way or the other? Okay. Anyone
18 else? Yes.

19 PROSPECTIVE JUROR 082: 082.

20 MR. ZAVITSANOS: Yep.

21 PROSPECTIVE JUROR 082: My sister is a medical assistant
22 for an ENT.

23 MR. ZAVITSANOS: Where?

24 PROSPECTIVE JUROR 082: It's a private office.

25 MR. ZAVITSANOS: Private office. Okay. Not in a hospital?

1 PROSPECTIVE JUROR 082: No.

2 MR. ZAVITSANOS: Okay.

3 PROSPECTIVE JUROR 082: And I have a couple friends who
4 are RNs as well.

5 MR. ZAVITSANOS: Either of -- any of the hospitals that are at
6 issue here?

7 PROSPECTIVE JUROR 082: No.

8 MR. ZAVITSANOS: No? Anything about that one way or
9 another --

10 PROSPECTIVE JUROR 082: No.

11 MR. ZAVITSANOS: -- somebody's ahead?

12 PROSPECTIVE JUROR 082: No.

13 MR. ZAVITSANOS: Okay. Did you -- yeah. Okay.

14 PROSPECTIVE JUROR 049: Uh-huh.

15 MR. ZAVITSANOS: Okay.

16 PROSPECTIVE JUROR 049: My best friend of 20 years.

17 THE CLERK: Badge number, please.

18 PROSPECTIVE JUROR 049: Oh, I'm sorry. Badge number
19 049.

20 MR. ZAVITSANOS: Okay.

21 PROSPECTIVE JUROR 049: My best friend is an RN out of
22 state in Colorado, and I have aunts and cousins who are RNs in
23 California.

24 MR. ZAVITSANOS: Okay. Anything about that that would
25 move it one way or the other?

1 PROSPECTIVE JUROR 049: No.

2 MR. ZAVITSANOS: Okay. Okay. Finally. Front row.
3 Anybody in the front row? Okay.

4 PROSPECTIVE JUROR 217: It's 217. Dad is a physician.
5 Mom's a nurse. I have a few friends that are also in the -- nurses,
6 doctors, yeah.

7 MR. ZAVITSANOS: Okay. Let's talk about your mom first.
8 Where is she an RN?

9 PROSPECTIVE JUROR 217: They're -- parents are both at
10 UMC University Medical Center.

11 MR. ZAVITSANOS: Okay. So both your parents are?

12 PROSPECTIVE JUROR 217: Yes.

13 MR. ZAVITSANOS: Okay. Is your father -- is he a clinician?
14 Is he an academic? Is he both?

15 PROSPECTIVE JUROR 217: Mainly clinician.

16 MR. ZAVITSANOS: Mainly clinician. Okay. Is he an
17 employee of the facility or is he with a group?

18 PROSPECTIVE JUROR 217: Employee.

19 MR. ZAVITSANOS: Okay. Is he -- do you know whether he's
20 involved at all in billing?

21 PROSPECTIVE JUROR 217: No, I'm not aware of -- I don't
22 think he has any direct involvement in billing like --

23 MR. ZAVITSANOS: Okay.

24 PROSPECTIVE JUROR 217: -- you know, besides, you know,
25 documenting. And -- but I -- yeah, I'm not aware.

1 MR. ZAVITSANOS: Do you know -- and you may not, but I'm
2 going to just ask. Do you know kind of approximately what percent of
3 the folks that he treats are either on Medicare or Medicaid?

4 PROSPECTIVE JUROR 217: I don't know what percent. I
5 just -- I know it's a higher number.

6 MR. ZAVITSANOS: And why is that?

7 PROSPECTIVE JUROR 217: Just it being county hospital. It's
8 not private. I feel like a lot of the -- and it's just more of a feeling than a
9 knowledge --

10 MR. ZAVITSANOS: Okay.

11 PROSPECTIVE JUROR 217: -- but I feel like from whatever
12 conversations or time around him, that it's more Medicare/Medicaid than
13 private insurance.

14 MR. ZAVITSANOS: Okay. Okay. Okay. Anyone else in the
15 first row? Okay. Pass it down.

16 PROSPECTIVE JUROR 224: 224, Kelsey Dudley. My father is
17 a retired chiropractor and my mother, office management for his private
18 practice and now Valhalla.

19 MR. ZAVITSANOS: Okay.

20 PROSPECTIVE JUROR 224: And he is retired.

21 MR. ZAVITSANOS: All right. Anything about that that
22 moves the needle one way or another?

23 PROSPECTIVE JUROR 224: I would say equal footing,
24 however, my father had a lot of heartache and strife over attorneys and
25 insurance companies. As much as I tried to not listen, they lost a lot of

1 money --

2 MR. ZAVITSANOS: Okay.

3 PROSPECTIVE JUROR 224: -- over --

4 MR. ZAVITSANOS: Okay.

5 PROSPECTIVE JUROR 224: -- untrustworthy attorneys.

6 MR. ZAVITSANOS: Okay. We're all trustworthy over here.

7 I'm kidding. They're very trustworthy --

8 PROSPECTIVE JUROR 224: He is the most trustworthy

9 man --

10 MR. ZAVITSANOS: Yeah.

11 PROSPECTIVE JUROR 224: -- you've ever known.

12 MR. ZAVITSANOS: Okay. Well, sounds like a prince of a
13 guy. So anything about that that would kind of move the needle one
14 way or another here?

15 PROSPECTIVE JUROR 224: In this field, I'll say no.

16 MR. ZAVITSANOS: Okay. Would you pass down for a
17 second? I think I forgot to ask you the main question. Anything about
18 your parent's experiences or the friends that you mentioned that would
19 cause you to give one side a head start over the other here?

20 PROSPECTIVE JUROR 217: Plaintiff has a head start.

21 MR. ZAVITSANOS: Okay. Well, let me ask you this. You
22 haven't heard any evidence yet, right? And it's okay to have a certain
23 kind of belief about something, but if you ended up on the jury, would
24 you evaluate the evidence fairly and evenly or you think you can't do
25 that?

1 PROSPECTIVE JUROR 217: I mean, honest answer, I could
2 try my best. It's just -- I guess -- I don't know. Ultimately, knowing what
3 providers go through and having experience with friends and family
4 members, I couldn't help but lean that way to begin with. The evidence,
5 you know, probably will reshape my thinking, but yeah. Just starting
6 out, it's a -- my heart goes more that way than towards the insurance
7 company.

8 MR. ZAVITSANOS: Okay. Okay. Your Honor, how much
9 longer would you like me to go before we break?

10 THE COURT: This is a good time for a break.

11 MR. ZAVITSANOS: Okay. And if I -- yeah. If I can have an
12 opportunity to kind of look at my notes. I may be close --

13 THE COURT: Of course.

14 MR. ZAVITSANOS: -- to wrapping up here, so --

15 THE COURT: Very good. All right. We're going to take a
16 recess. I realize that people in the back of the room haven't been
17 oriented yet, but I do want to go forward with the process the way we're
18 doing it now, so every knows. So -- go ahead and --

19 MR. ZAVITSANOS: Oh, thank you, Your Honor.

20 THE COURT: So during the recess, don't talk with each other
21 or anyone else on any subject or issue connected with the trial. Don't
22 read, watch or listen to any report of commentary on the trial. Don't
23 discuss this case with anyone connected to it by -- without limitation, by
24 any method including, newspapers, television, internet, radio, cell
25 phones, texting.

1 Don't conduct any research. Don't do any speculation with
2 regard to the issues, the parties, the witnesses and don't even consult a
3 dictionary, use the internet or use reference materials. You can't put on
4 social media that you're in jury selection. You can't text, tweet, Google
5 or conduct any other type of research with regard to any issue, party,
6 witness or attorney involved in the case. Most importantly, do not form
7 or express any opinion on any subject connected with the trial, unless
8 you're selected for the jury and the jury deliberates.

9 It is 2:43. Let's be back at 3:05, 3:05.

10 THE MARSHAL: All rise for the jury.

11 [Prospective jurors out at 2:44 p.m.]

12 [Outside the presence of the prospective jurors]

13 THE COURT: Okay. Counsel the room's clear. Defendant, do
14 you have anything for the record?

15 MR. ROBERTS: Nothing for the record, Your Honor.

16 THE COURT: Plaintiff, anything for the record?

17 MR. ZAVITSANOS: No, Your Honor. We're going to visit
18 with counsel about --

19 THE COURT: I assume you're going to talk about some
20 potential excusing jurors. So I brought them back at 3:05. We'll start at
21 3:00.

22 MR. ZAVITSANOS: Yes, Your Honor.

23 THE COURT: Thank you.

24 MR. ROBERTS: Thank you, Your Honor.

25 MR. ZAVITSANOS: Thank you, Your Honor.

1 [Recess taken from 2:45 p.m. to 3:00 p.m.]

2 [Outside the presence of the prospective jurors]

3 THE MARSHAL: Court is back in session.

4 THE COURT: Thanks, everyone. Please remain seated.

5 MR. ROBERTS: Thank you, Your Honor.

6 THE COURT: Okay. Mr. Zavitsanos, have you had a chance
7 to consult with the Defense team?

8 MR. ZAVITSANOS: Yes, Your Honor, we did. We consulted.
9 And the three -- the three venire members who we believe are over the
10 line are as follows. 130 --

11 THE COURT: Asato.

12 MR. ZAVITSANOS: Yes. 1 -- and I'm sorry, I don't have the
13 names. My apologies, Your Honor.

14 THE COURT: Okay.

15 MR. ZAVITSANOS: 161.

16 THE COURT: Michalik.

17 MR. ZAVITSANOS: And 218.

18 THE COURT: And --

19 MR. ZAVITSANOS: And --

20 THE COURT: Wait a minute, 218 and 217?

21 MR. ZAVITSANOS: 218.

22 THE COURT: Oh, it is --

23 MR. ZAVITSANOS: These are the ones that we're moving
24 on, Your Honor.

25 THE COURT: No, it is 217. Onyema.

1 MR. ZAVITSANOS: No. 217, they may have a challenge on,
2 but 218, we have a challenge on.

3 THE COURT: Okay. Hang on. Let me get that.

4 MR. ROBERTS: I may have even mentioned that over the
5 break, Your Honor.

6 THE COURT: Okay.

7 MR. ZAVITSANOS: And so for those three, Your Honor; 130,
8 161, and 218. I don't have an objection to Counsel questioning them.
9 And we can either -- whatever Your Honor's pleasure is, we can either do
10 it collectively as a group or we can bring them in separately. However
11 Your Honor would like to do it.

12 THE COURT: Mr. Roberts, your approach?

13 MR. ROBERTS: Your Honor, I'm happy to either bring them
14 all three in at one time to at least expedite it a little bit. But I'm happy to
15 either do them individually or with the whole panel in the room, if Your
16 Honor prefers.

17 THE COURT: I would suggest all three, but the Marshal has
18 more numbers and more messages.

19 Juror 56 says three kids at home; nine, seven, and three. No
20 childcare tomorrow. Juror 157 says brother diagnosed with stage 4
21 cancer. Needs to go to Florida during the time this trial's scheduled.

22 MR. ZAVITSANOS: Excuse me, Your Honor. Did you say --

23 MR. BLALACK: Are these our new panel members, Your
24 Honor?

25 THE COURT: They're just new messages from the Marshal.

1 MR. ROBERTS: And those two are new panel?

2 MR. BLALACK: Okay.

3 THE COURT: Oh, they were new panel members?

4 MR. ROBERTS: Yeah. We don't have those in our list.

5 MR. ZAVITSANOS: Your Honor, my apologies. I'm sorry, I
6 did not hear you. But would you mind just repeating the first two
7 numbers?

8 THE COURT: 056. It must be a new panel member.

9 MR. ROBERTS: It is.

10 THE COURT: You know, I didn't even know if you were going
11 to get to the new panel. Okay. So 056. Three kids; nine, seven, and
12 three. No childcare tomorrow. Okay today, but not tomorrow. 157 is
13 also a new panel member.

14 MR. ROBERTS: Yes, Your Honor.

15 THE COURT: Brother has been diagnosed with
16 terminal -- well, stage 4 cancer. I guess we're all terminal, frankly. But
17 she needs to go to Florida sometime during when the trial's going to
18 occur. 275, college student, full-time, and doesn't get paid.

19 MR. ROBERTS: Is that Lily Ryan, Your Honor?

20 THE COURT: You know, I didn't get the numbers.

21 MR. ROBERTS: Oh, okay.

22 THE COURT: He gave me the numbers, but I was trying to
23 write it down fast. Yes. Oh, that's a new panel member, too. 276, who
24 is also a new panel member. Scoliosis. Doesn't think that she'll be up to
25 sitting through the trial and needs breathing treatments. And then 096

1 had an appointment today at 4 p.m. They're -- and I think they're all
2 new.

3 MR. ROBERTS: Your Honor, we'd be willing to stipulate to
4 excuse everyone but 096, and release 096 to their 4 p.m. appointment
5 with instructions to come back tomorrow.

6 THE COURT: Any objection?

7 MR. ZAVITSANOS: No, Your Honor.

8 THE COURT: Okay. Good. So the three we're going to bring
9 in then are 161, 218, and 130.

10 MR. ZAVITSANOS: Yes, Your Honor.

11 THE MARSHAL: Are you ready for them now?

12 THE COURT: We are.

13 MR. ZAVITSANOS: Your Honor, I'm sorry, I should have
14 asked. Is it okay if I stand over here? That way, they don't have their
15 back to me?

16 THE COURT: Everyone has permission to move about during
17 the entirety of the trial.

18 MR. ZAVITSANOS: Thank you, Your Honor.

19 THE COURT: Yeah. Okay. Okay. Gentlemen, I'm going to
20 ask you just to sit over here just in a random seat. We have some
21 additional questions for each of you. And Mr. Michalik?

22 PROSPECTIVE JUROR 161: Yes.

23 THE COURT: Yes. And then Mr. Asato, and then Mr. Zakahi?
24 Thank you. Mr. Roberts?

25 MR. ROBERTS: Thank you, Your Honor.

1 Gentlemen, my name is Lee Roberts, again. And I've got a
2 few follow-up questions to make on -- to make sure I understand what it
3 is that you're telling the Court here today about some of these topics that
4 you were just questioned about. Okay.

5 And start with Mr. Asato. And I understand that you
6 explained that when you got a piece of paper after you've been to a
7 physician or a facility, that you relied on the insurance company for what
8 is fair and reasonable, right?

9 PROSPECTIVE JUROR 130: Yes.

10 MR. ROBERTS: And that's in your personal --

11 THE CLERK: Say your badge number, please.

12 PROSPECTIVE JUROR 130: 130.

13 MR. ROBERTS: And that's in your personal life, right?

14 PROSPECTIVE JUROR 130: Yes. I mean -- I mean, I try and
15 look at it myself and see if it makes sense and use that paperwork.

16 MR. ROBERTS: So it's not just what the insurance
17 companies say. Because you said the insurance company's not always
18 right, correct? Is that what you said?

19 PROSPECTIVE JUROR 130: I don't -- I don't remember
20 saying that they're not always right, but I mean, I'm sure they're not
21 always right. I'm positive.

22 MR. ROBERTS: You don't have a belief they're always right?

23 PROSPECTIVE JUROR 130: True. Yes.

24 MR. ROBERTS: Okay. And you look yourself to make sure it
25 made sense before you form a final judgment?

1 PROSPECTIVE JUROR 130: Yes.

2 MR. ROBERTS: Now, what about in court? Now, in court,
3 things are going to be different because you're going to hear from
4 witnesses for the insurance company, but you'll also hear from the
5 Plaintiff's experts about what is fair and reasonable. You'll hear what
6 their data is. And you may hear from experts that the insurance
7 company hires, and you may see our data.

8 So different -- setting aside what you do in your personal life.
9 As a juror, if you're selected here, can you listen to what the witnesses
10 say, what the experts for both sides say, what the data says, see what
11 makes sense to you? And make a decision solely based on the facts and
12 the evidence you hear in the courtroom and not on your personal
13 experience?

14 PROSPECTIVE JUROR 130: Yes.

15 MR. ROBERTS: You can do that?

16 PROSPECTIVE JUROR 130: Yes.

17 MR. ROBERTS: So the feeling that you had that you rely on
18 insurance companies in your personal life, you think you can set that
19 aside; is that fair?

20 PROSPECTIVE JUROR 130: Yes.

21 MR. ROBERTS: Okay. And now that you know that both
22 sides are going to have evidence and testimony, do you feel better about
23 your role as a juror in a case like this?

24 PROSPECTIVE JUROR 130: I think I could be impartial. I was
25 just saying how I normally analyze these things and make my decisions.

1 MR. ROBERTS: Okay.

2 PROSPECTIVE JUROR 130: In my day to day life.

3 MR. ROBERTS: In your own life?

4 PROSPECTIVE JUROR 130: Yes.

5 MR. ROBERTS: But now that you're in a courtroom, you can
6 be impartial? Can you give everyone your unequivocal assurance that
7 you can be fair to them both sides, to the Plaintiffs and to the
8 Defendants?

9 PROSPECTIVE JUROR 130: Sure, yeah.

10 MR. ROBERTS: Thank you, sir.

11 MR. ZAVITSANOS: Your Honor --

12 THE COURT: Did you have something to say?

13 MR. ZAVITSANOS: Yes, Your Honor. I don't know if the
14 Court would permit me questioning on that?

15 THE COURT: You may.

16 MR. ZAVITSANOS: And -- or if you would like to wait until --

17 THE COURT: When Mr. Roberts is finished with the
18 witnesses, you may.

19 MR. ZAVITSANOS: All three?

20 THE COURT: Yeah.

21 MR. ZAVITSANOS: Okay. Thank you, Your Honor.

22 MR. ROBERTS: Okay, next. Mr. Michalik?

23 PROSPECTIVE JUROR 161: Yeah.

24 MR. ROBERTS: And you are badge number 161, right?

25 PROSPECTIVE JUROR 161: Yes.

1 MR. ROBERTS: And I certainly understood -- and I think you
2 were pretty clear about your bad experience getting a balance bill. And
3 if I understand, the bill was 41,000 for the bill charge?

4 PROSPECTIVE JUROR 161: A little over. Yeah.

5 MR. ROBERTS: Now, I want you to understand a couple
6 things before you answer my questions again. If there are going to be
7 no disputes in this case about facility charges -- you know, like a surgery
8 center, a hospital, a facility. And if this case is only about professional
9 services like the amount the doctors charge and the nurses that you've
10 heard the Plaintiffs talk about. And you're not going to hear about any
11 claims that anyone was tricked into going to an out-of-network facility
12 that they thought was in-network. It's just a dispute about what's fair for
13 doctors to be paid when they're in the network.

14 MR. ZAVITSANOS: Excuse me, Your Honor. I'm going to
15 object to this question. That part is contested, what counsel just said.
16 And I can elaborate, if you'd like, at the bench.

17 THE COURT: Please don't. It's not necessary to elaborate.

18 MR. ZAVITSANOS: Okay.

19 THE COURT: But I'm going to overrule the objection.

20 MR. ZAVITSANOS: Thank you.

21 MR. ROBERTS: If, just hypothetically speaking, that's what
22 this case was about, do you think you could then set aside your own
23 personal experience with the facility charge where you felt like you were
24 misled from this case if it's only about the reasonable value of services?

25 PROSPECTIVE JUROR 161: Well, I mean, you said tricked.

1 But I wasn't tricked. They told me time and time again that it was in
2 network, and even the facility told me, yeah, you know, everything's
3 good. You're in network, you did your copay. You know, and then
4 boom.

5 MR. ROBERTS: Right. That's what I thought. Maybe I
6 should have used misled, told an untruth mistakenly, and simply or
7 intentionally.

8 PROSPECTIVE JUROR 161: Yeah.

9 MR. ROBERTS: But there's not going to be anything like that
10 in this case. Does that change how directly that would impact your
11 personal feelings about the parties in this case? Because we're not
12 going to claim that they misled anyone into thinking they were in
13 network.

14 PROSPECTIVE JUROR 161: Yeah, I don't know. I mean, I'm
15 just -- yeah. My feelings really haven't changed. I don't know. It just --
16 not really.

17 MR. ROBERTS: Okay. And you think that you're going to
18 favor --

19 PROSPECTIVE JUROR 161: Yeah, I mean, I -- well, yeah,
20 because I'm just -- was so bitter over it. And it happened so -- you know,
21 it didn't happen that long ago. And it just -- you know? I mean,
22 everything -- everybody that I went through; the doctors, the -- you
23 know, and the scheduler who scheduled it and all that. You know, they
24 just kept saying, yeah, yeah. And I kept reiterating, and it's just like a
25 bad taste in my mouth.

1 MR. ROBERTS: So even though none of the people that were
2 treating --

3 PROSPECTIVE JUROR 161: Yeah.

4 MR. ROBERTS: -- you poorly are here in this room. It's --

5 PROSPECTIVE JUROR 161: Right. I understand that.

6 MR. ROBERTS: But you're still not going to be able to put it
7 out of your mind?

8 PROSPECTIVE JUROR 161: Well, I can try, you know?

9 MR. ROBERTS: And I really appreciate that, sir. And I know
10 all good citizens want to try to be fair.

11 PROSPECTIVE JUROR 161: Yeah.

12 MR. ROBERTS: I think that -- even though I'm not them, I
13 think they're entitled to a little bit more than you think you can try. And
14 so I want you to sort of think about it. Look inside and say, okay, this is
15 different than my situation, and I really can commit to be fair to them.
16 And if you can't do that, then I think we both need to know it.

17 PROSPECTIVE JUROR 161: Yeah. I don't know if I can be
18 fair. You know? I don't know, I mean it -- I was just so distraught over it,
19 you know? Like I said, it didn't happen that -- that long ago. And I
20 don't -- you know, that's the truth.

21 MR. ROBERTS: Okay. Sorry.

22 PROSPECTIVE JUROR 161: I don't know how to -- you know,
23 how to --

24 MR. ROBERTS: No, I appreciate you, sir.

25 PROSPECTIVE JUROR 161: Yeah, yeah.

1 MR. ROBERTS: There's no right or wrong answer.

2 PROSPECTIVE JUROR 161: Yeah, yeah.

3 MR. ROBERTS: Just how you feel.

4 PROSPECTIVE JUROR 161: Yeah, yeah. It's how I feel.

5 MR. ROBERTS: Okay.

6 PROSPECTIVE JUROR 161: I don't know if that's right, you
7 know, sorry about that, but that's how I feel.

8 MR. ROBERTS: Well, we -- yeah. You know, we'd like all the
9 jurors to be able to say they'll be fair to both parties.

10 PROSPECTIVE JUROR 161: Yeah, yeah.

11 MR. ROBERTS: But, you know, that's why we go through
12 this process. And I appreciate your honesty.

13 PROSPECTIVE JUROR 161: Okay.

14 MR. ROBERTS: Okay. If you could pass the mic to Mr.
15 Zakahi? Did I say that correctly?

16 PROSPECTIVE JUROR 218: Correct.

17 MR. ROBERTS: Zakahi, Badge 218?

18 PROSPECTIVE JUROR 218: Correct.

19 MR. ROBERTS: And I wanted to talk to you about a little
20 different issue, and that's the issue of punitive damages. Where I
21 understood you to say that you would want sort of a beyond a
22 reasonable doubt toward punitives versus just a clear and convincing
23 standard that the Plaintiffs told you about, right?

24 PROSPECTIVE JUROR 218: Correct.

25 MR. ROBERTS: I got that correct. So I wanted to sort of fill in

1 a little bit more to the extent I can under the rules here. And were you
2 here when Mr. Zavitsanos said that clear and convincing -- you know,
3 lawyers sometimes talk about 70 to 75 percent?

4 PROSPECTIVE JUROR 218: I believe so. I was -- I think I was
5 I the other side.

6 MR. ROBERTS: Okay. And that went into your thinking, his
7 definition of clear and convincing?

8 PROSPECTIVE JUROR 218: Clear and convincing. That was
9 for the preponderance, or --

10 MR. ROBERTS: Well, there are three burdens that he told
11 you about, and I agreed with that. There's the preponderance of the
12 evidence. A little big higher standard is clear and convincing. And then
13 there is beyond a reasonable doubt, which is the highest standard that
14 we use for criminal law. Now, preponderance is more likely true than
15 not true. Beyond a reasonable doubt is high as you can be. Now, we all
16 agree that clear and convincing is somewhere in between those two.

17 But let me define clear and convincing for you a little bit
18 different way and see if that would change your mind. What if the Court
19 were to tell you that clear and convincing is proof that must be so strong
20 and cogent as to satisfy the mind and conscience of a common person,
21 and convince him that he would venture to act upon that conviction in
22 matters of the highest concern and importance to his own interest?

23 So strong and cogent that it would satisfy both your mind
24 and your conscience that it was true to the same extent that you would
25 require to deal with things that were very important in your personal life.

1 That if you were assuming that clear and convincing evidence was proof
2 that strong, would you still be reluctant to award punitive damages
3 based on that standard if you felt it was appropriate, and they met their
4 burden?

5 PROSPECTIVE JUROR 218: I guess if you put it that way.
6 Maybe I was a little confused on the -- like, the levels. So I think --

7 MR. ROBERTS: Yeah. And it's hard.

8 PROSPECTIVE JUROR 218: Yeah.

9 MR. ROBERTS: And the lawyers disagree, and it's -- the
10 Court is the only one that's going to instruct you on that.

11 PROSPECTIVE JUROR 218: Okay, okay.

12 MR. ROBERTS: But for now, assume that that was the
13 standard. And does that make you feel better about it?

14 PROSPECTIVE JUROR 218: Yeah, I think -- yeah.

15 MR. ROBERTS: And if -- even if they met that standard. If
16 you were told that you still didn't have to award punitive damages
17 unless you thought it was justified. Even if they met their burden of
18 proof, would that make you feel any better?

19 PROSPECTIVE JUROR 218: To award the punitive?

20 MR. ROBERTS: Well, to serve on a jury knowing that
21 ultimately, it would still be up to you whether you thought punitive
22 damages should be awarded regardless of whether you met the
23 standard.

24 PROSPECTIVE JUROR 218: I'm kind of unclear what you're
25 asking, but.

1 MR. ROBERTS: Okay.

2 PROSPECTIVE JUROR 218: But I'd like -- I'd like to take back
3 what I said earlier maybe, and like lower than what I find acceptable,
4 maybe?

5 MR. ROBERTS: Okay.

6 PROSPECTIVE JUROR 218: I don't know if that's what you're
7 asking.

8 MR. ROBERTS: Sure. Well, let me ask you this way. Maybe
9 give that more directly. Without having heard any of the evidence, are
10 you open to the fact that they might convince you and meet their burden
11 of proof so that you would be open to awarding punitive damages if it
12 was justified, and if you thought it was appropriate?

13 PROSPECTIVE JUROR 218: Yes.

14 MR. ROBERTS: Thank you, sir. I appreciate that.

15 THE COURT: No other questions?

16 MR. ROBERTS: No other questions, Your Honor. Thank you.

17 THE COURT: Mr. Zavitsanos?

18 MR. ZAVITSANOS: Thank you, Your Honor. May it please
19 the Court. I'm going to proceed. Okay, gentlemen. Just a few follow-up
20 questions.

21 Okay, 130. Okay. My question is a little different. I thought
22 you were pretty clear with me that you would consider all evidence that
23 comes in. And you were pretty clear on that, right?

24 PROSPECTIVE JUROR 130: Yes.

25 MR. ZAVITSANOS: Okay. So my question is a little different.

1 And that is you would assign more weight to the evidence that comes in
2 from the insurance company than you would for our evidence. You'd
3 listen to both, but they would get more weight because in your mind, the
4 insurance company is better at identifying what the reasonable weight is.
5 I thought that's what I heard you say.

6 PROSPECTIVE JUROR 130: I mean -- oh, 130.

7 MR. ZAVITSANOS: Yeah.

8 PROSPECTIVE JUROR 130: I guess I do -- well, I use both,
9 right? So I would probably use both data -- or any data that I have to
10 make my decision.

11 MR. ZAVITSANOS: No question?

12 PROSPECTIVE JUROR 130: Yeah.

13 MR. ZAVITSANOS: And my question is a little different than
14 that, though. Okay? And obviously, you -- if evidence was presented,
15 you'd look at it. My question's a little different. When the evidence was
16 coming in from the insurance company, because of your experience,
17 you'd give that more weight than our evidence because of your
18 experience and because in your mind, you think they are better at
19 evaluating what a reasonable charge is? That's my question.

20 PROSPECTIVE JUROR 130: I do think they have more data
21 on what reasonable charge is.

22 MR. ZAVITSANOS: Okay. And based on your experience
23 outside of this courtroom and what you've read, right?

24 PROSPECTIVE JUROR 130: Yes.

25 MR. ZAVITSANOS: Okay. And therefore, you would find

1 yourself not being able to help but give that a little more weight than our
2 records, right?

3 PROSPECTIVE JUROR 130: It would be the starting point for
4 sure.

5 MR. ZAVITSANOS: Okay. For them?

6 PROSPECTIVE JUROR 130: Maybe if there was a big bill and
7 there was a big difference, I would say I would -- if I had to go back to the
8 other person and say, why is there such a big difference? Then that
9 would be the start.

10 MR. ZAVITSANOS: Okay. So let's say you've got a -- let me
11 give you a hypothetical exam. Let's say you got a bill, and the difference
12 between what we're claiming and what they're claiming -- actually, let
13 me not use us. I'm going to use --

14 PROSPECTIVE JUROR 130: Yeah.

15 MR. ZAVITSANOS: -- let's use another doctor, okay? You
16 got a bill. And the doctor's bill is at X price, and some other insurance
17 company says it should be 80 percent less than that.

18 PROSPECTIVE JUROR 130: Sure.

19 MR. ZAVITSANOS: It should be 20 percent of that, according
20 to our data.

21 PROSPECTIVE JUROR 130: Right.

22 MR. ZAVITSANOS: Your instinct is to believe, right off the
23 bat, what the insurance company is saying because they've got the data,
24 right?

25 PROSPECTIVE JUROR 130: I would think it should be close

1 to that number.

2 MR. ZAVITSANOS: Okay. And therefore, in this case, if that
3 happens -- if that were to happen, where you got that big of a difference,
4 you would tend to gravitate towards the insurance company based on
5 these motives?

6 PROSPECTIVE JUROR 130: Or dig more. Starting -- that
7 would be the digging point. So I would -- I mean, maybe find out from
8 the people billing me saying why is there such a big difference.

9 MR. ZAVITSANOS: Well, no question. And my question is a
10 little different. But that's right. And I'm not saying you should take our
11 word for it, or their word for it, I just want to know if that kind of a
12 difference gets introduced -- if that were to happen at trial, would you
13 just naturally kind of assume the insurance company is correct unless
14 some serious explanation is given? Right off the bat, just based on your
15 experience.

16 PROSPECTIVE JUROR 130: Yeah, I guess if it's in my favor.
17 If it's not in my favor, I'll would question that, right.

18 MR. ZAVITSANOS: Well, what do you mean in your favor?

19 PROSPECTIVE JUROR 130: If I got a -- if they're not wanting
20 to cover certain procedures or something then I would -- what does that
21 mean that --

22 MR. ZAVITSANOS: So here's -- let me -- at the risk of going
23 on the edge of my lane. Hold on, it's okay, it's all right, it's okay. There's
24 not going to be a dispute in this case, I don't believe, about whether any
25 of the claims were supposed to be covered under the insurance or not.

1 Okay.

2 PROSPECTIVE JUROR 130: Yeah.

3 MR. ZAVITSANOS: All right. The claims at issue in this case
4 were all paid at a certain rate.

5 PROSPECTIVE JUROR 130: Okay.

6 MR. ZAVITSANOS: We say they should have been paid at a
7 different rate. Are you with me?

8 PROSPECTIVE JUROR 130: Yeah.

9 MR. ZAVITSANOS: Okay. So the question is, I thought you
10 told me that you -- based on your experience, you would rely on the
11 insurance company who has the data to identify what the reasonable
12 rate was. Based on your experience, and what you've read, and what
13 you've experienced yourself outside of this case. And that belief would
14 come in if you were a juror. I thought that's what --

15 PROSPECTIVE JUROR 130: Yes, I guess that is -- I would use
16 that as my starting point and probably start off there. So maybe more
17 weight to those numbers that come in.

18 MR. ZAVITSANOS: Okay, so we're starting behind?

19 PROSPECTIVE JUROR 130: Yeah, although I'm guessing I
20 could be objective about it.

21 MR. ZAVITSANOS: Okay. We're starting behind but --

22 THE COURT: I'm sorry. We had an issue with jury services.
23 I've indicated we don't need another panel for tomorrow. Go ahead.

24 MR. ZAVITSANOS: Okay. So just last one.

25 PROSPECTIVE JUROR 130: Sure.

1 MR. ZAVITSANOS: So we're starting behind before the trial
2 even starts, right?

3 PROSPECTIVE JUROR 130: I would say I would do that first,
4 so maybe yes.

5 MR. ZAVITSANOS: Maybe yes?

6 PROSPECTIVE JUROR 130: Yeah.

7 MR. ZAVITSANOS: Okay. All right. Thank you. Okay. Okay.
8 218. Okay. So when my esteemed opposing counsel here read that
9 definition of clear and convincing, did you understand it fully?

10 PROSPECTIVE JUROR 218: Yes.

11 MR. ZAVITSANOS: Okay. So you heard -- I think we both
12 agree that there's three levels, right?

13 PROSPECTIVE JUROR 218: Uh-huh, yes.

14 MR. ZAVITSANOS: Okay. So the top level is beyond a
15 reasonable doubt. Right? Okay. If you had a reasonable doubt but you
16 met -- but we met clear and convincing, but you still had a reasonable
17 doubt so that we don't get to that top one, would you feel comfortable in
18 being able to consider an award punitive damages if you had a
19 reasonable doubt?

20 PROSPECTIVE JUROR 218: I--

21 MR. ZAVITSANOS: Would you require the top standard?

22 PROSPECTIVE JUROR 218: No, not after rethinking it, and
23 maybe like again, I might have misunderstood in the beginning, so --

24 MR. ZAVITSANOS: No, no, no, listen, you got the mic.

25 PROSPECTIVE JUROR 218: Right. So, yeah, like clear and

1 convincing would be enough for me.

2 MR. ZAVITSANOS: Okay. Even if you had a reasonable
3 doubt?

4 PROSPECTIVE JUROR 218: Even if I had a reasonable --

5 MR. ZAVITSANOS: I'm sorry?

6 PROSPECTIVE JUROR 218: Yes. Even if I had a reasonable
7 doubt, yes.

8 MR. ZAVITSANOS: That's all I have, Your Honor.

9 THE COURT: Thank you. All right, thank you, gentlemen.

10 MR. ROBERTS: Your Honor.

11 THE COURT: Did you have something?

12 MR. ROBERTS: There was one follow-up question.

13 THE COURT: You may.

14 MR. ROBERTS: And I just wanted to make sure that I
15 understood. It's for Mr. Asato again. And I believe that -- and one of the
16 things you said was that maybe starting out that you would believe the
17 insurance company was right, but that they could prove they weren't
18 right. Would it take just a preponderance, just more true than not true
19 for you to believe they were right, and the insurance company was
20 wrong, or would it take something more than that?

21 PROSPECTIVE JUROR 130: If it was -- let's see. I guess I'm
22 not following completely.

23 MR. ROBERTS: Let me put it -- let me put it a different way.
24 If the Court were to instruct you that you had to find for the Plaintiffs if
25 they proved more likely than not, more likely true than not true that the

1 insurance company didn't pay enough money, could you follow that
2 instruction and apply it to the law and the facts?

3 PROSPECTIVE JUROR 130: I would -- yeah, I guess if they
4 showed proof that it's -- that the -- that their charges are not -- are
5 reasonable, then I would tend to believe that if they could prove that
6 whatever they're charging makes sense, I guess.

7 MR. ROBERTS: Thank you, sir.

8 THE COURT: Okay. So gentlemen you may step out into the
9 hall and please put the microphone on the podium. Thank you. So let's
10 bring in Juror 96 to excuse them for the day. They have to be
11 somewhere in a half an hour.

12 THE MARSHAL: Yes, Your Honor. Juror 96?

13 THE COURT: 96, from the new group.

14 [Court and clerk confer]

15 [Pause]

16 THE COURT: Just so that you both know I'm reading *Khoury*
17 *v. Seastrand*. I'm taking this time. Juror 96, right here. May I have your
18 name and badge number?

19 PROSPECTIVE JUROR 096: My name is Greg Naso, and my
20 badge number is 096.

21 THE COURT: Thank you. You have an appointment today at
22 4:00?

23 PROSPECTIVE JUROR 096: Yes.

24 THE COURT: You'll be excused today, but we'll need you
25 tomorrow at 9:30 a.m.

1 PROSPECTIVE JUROR 096: Yes, ma'am.

2 THE COURT: Can you be here tomorrow?

3 PROSPECTIVE JUROR 096: Yes. Yes, Your Honor.

4 THE COURT: Thank you.

5 PROSPECTIVE JUROR 096: Thank you.

6 THE COURT: Okay, Mr. Zavitsanos.

7 MR. ZAVITSANOS: Yes, Your Honor. Let me take the two
8 easy ones first. We withdraw our challenge to 218, and we move for
9 cause on 130.

10 THE COURT: And 161?

11 MR. ZAVITSANOS: I'm going to get to 161, or would the
12 Court like argument on that one now?

13 THE COURT: We can take them separately. So for cause on
14 130. And the response?

15 MR. ROBERTS: If it helps, Your Honor, the Defense would
16 now stipulate to 161, Mr. Michalik. We think he was pretty clear.

17 THE COURT: Yeah.

18 MR. ROBERTS: I appreciate the opportunity to talk to him.

19 THE COURT: All right. And your position on Asato, 130?

20 MR. ROBERTS: Our position is that -- yeah, we do not
21 stipulate, and I'll state my response after the Plaintiff speaks. Thank you.

22 MR. ZAVITSANOS: My apologies, Your Honor. I was not
23 trying to sandbag counsel. I got my notes confused. My apologies.

24 Okay. So for 130, Your Honor, Mr. Asato, he was very clear on the
25 damages, not on liability. Counsel's questions were all about liability.

1 About whether or not he could be fair and find in favor of the Plaintiff.
2 That -- he did not -- he did not impeach the issue of damages, which is
3 from our standpoint is where all the action is going to be. And that is the
4 issue of billed charges versus the rate that the -- that the Defendants
5 reimbursed us at. And I thought he was clear both when the entire
6 group was here and when I questioned him again that the insurance
7 company has all the data. That we would start out behind on the rate,
8 not on liability, but on the rate, and based on his experiences, and he
9 even talked about his experience, that the insurance company knows
10 what the reasonable rate is.

11 Counsel did not ask about the rate. He asked about which --
12 who they would find in favor of. I mean that -- okay, I admit that the
13 man can probably apply the standard fairly on liability. It's the damages
14 that we're concerned about. The only other thing I will say, and this is
15 not -- this would not be reflected in the record, is there was hesitation.
16 He was struggling with his answers. And I think when we have -- when
17 we're in a courtroom like this with Your Honor on the bench and a room
18 full of lawyers and all that, most people are going to naturally want to try
19 to be fair. And despite all that, I thought the gentleman -- I mean I think
20 he wanted to say he was fair, but he was steadfast that we're behind on
21 the issue of the rate.

22 THE COURT: And the response, please.

23 MR. ROBERTS: Thank you, Your Honor. Under *Jitnan*
24 [phonetic], the Court should look to the totality of the record and not
25 detach statements, either expressing that you can be fair or expressing

1 you can't be fair. And I know the Court said you were reading *Khoury*,
2 which I believe is applicable. Especially the -- what they said about the
3 focus on the single word unequivocally while ignoring the context
4 provided by the remainder of the paragraph. If potential bias was all that
5 were required to dismiss a juror for cause, then any expression of doubt,
6 no matter how small by a juror would be grounds to dismiss for cause.
7 Under such a standard, rehabilitation by the opposing party's attorney
8 would be impossible.

9 So then *Khoury* said reading *Jitnan* in context, where a
10 juror's statements of expressing potential bias are just not enough taken
11 by themselves. And again you've got to look at the totality of the record.

12 And I think looking at the totality of the record, a lot of his
13 responses were measured. I don't think this juror really understood a lot
14 of the questions. And to me it seemed from his responses that he was
15 confusing his reliance on the insurance company in his personal life, so
16 what they put on his bill was fair and reasonable, versus that he would
17 somehow put us ahead of the game in the courtroom. And in fact he
18 said, look, and I wouldn't rely on the insurance company if it didn't make
19 sense, it has to make sense, and if it was against my interest, I wouldn't
20 necessarily rely on them.

21 But getting to the issue of damages which is where I think
22 this is all coming down to, all this juror said is he would start out
23 perhaps with the idea that what the insurance company said was
24 reasonable was reasonable, but that if they proved it wasn't, he could
25 listen to that. And if they proved it, he could award the money. And

1 then he confirmed that it was only a preponderance standard that he
2 could follow. And I would submit to the Court that his process that he
3 described is exactly the way the law works, as far as burden of proof.

4 When we come in here today, and we start opening
5 statements next week, they haven't proven their case, and we don't have
6 to prove anything. If we both said we got nothing, and sat down, they
7 would lose. So you do start with the idea that what we paid was
8 reasonable and then they have to prove it isn't. That's the law. And you
9 can't dismiss a juror for having personal beliefs that are the same as
10 what the law is, Your Honor. Thank you.

11 THE COURT: Reply, please.

12 MR. ZAVITSANOS: I don't have anything that's not
13 repetitive, Your Honor.

14 THE COURT: I am going to grant the motion to remove
15 Asato, Juror 130, because any time -- I think what *Khoury vs. Seastrand*
16 reinforced for me is that the law was unclear in Nevada, whether it's
17 starting with a bias, was enough for disqualification. I think the case
18 clearly says yes. If one said starts out -- and he said because the
19 insurance company has more data, he thinks it would be more reliable.
20 You know, that's the inherent bias from the beginning that disqualifies
21 him. And unfortunately it will also disqualify 217 for the same reason.
22 So I don't know if you want to take that up now, but I think I just
23 telegraphed what I would do on that.

24 MR. ROBERTS: Your Honor, if you would allow me to go out
25 of turn, we would move to dismiss Juror 217 for cause. I do think

1 because of his own family situation, and his father being a doctor,
2 hearing about the struggles of providers dealing with insurance
3 companies, he expressed just as clearly that same situation where we
4 would be behind, and they would be ahead. And we -- it might be more
5 efficient if the Court would consider that now.

6 MR. ZAVITSANOS: Your Honor, I can't believe I'm going to
7 say this, but I'm getting tired of my own voice, so I'm going to agree to
8 that.

9 THE COURT: All right. Okay. And the next person in order is
10 the Asian woman who may have a -- English is the second language
11 barrier.

12 MR. ZAVITSANOS: Yeah. So on that one, Your Honor, I do
13 have concerns. So forgive me, Your Honor. I'm not from this
14 community, and I visited with Lundvall over break, and apparently many
15 of the -- and I don't know this, but apparently many of the hotel workers
16 are trained on frequent questions and frequent type of readings, and
17 frequent type of issues that come up. It was pretty clear to me that she
18 was struggling a little bit. And when you asked her do you understand
19 legal terms, I may be confusing her with someone else, but I thought she
20 said --

21 THE COURT: She didn't answer.

22 MR. ZAVITSANOS: -- she didn't even understand that
23 question. And, Your Honor, there are no less than gosh, I want to say 30
24 acronyms in this case.

25 THE COURT: The jury's starting to learn them already.

1 MR. ZAVITSANOS: Yeah, well, there's a lot of them, a lot of
2 them. And the acronyms stand for very extended words. So I just -- I'm
3 really uncomfortable having this person on the jury, just from a language
4 standpoint.

5 THE COURT: Do you want to have the chance to explore that
6 further?

7 MR. ROBERTS: I think I do, Your Honor. I've voir dired a lot
8 of jurors with language issues, and I didn't sense that this juror was truly
9 disabled in her ability to comprehend the English language given what
10 she does for work. And I'm not sure this wasn't just an effort to get out,
11 Your Honor --

12 THE COURT: All right.

13 MR. ROBERTS: -- and I would like to --

14 THE COURT: So let's explore --

15 MR. ROBERTS: -- speak with her more.

16 THE COURT: We'll explore it further.

17 MR. ROBERTS: Thank you, Your Honor.

18 THE COURT: And so -- but Andrew you can bring them in.
19 We'll excuse 161, 130 and 217, correct?

20 MR. ZAVITSANOS: Yes.

21 MR. ROBERTS: Yes, Your Honor.

22 THE COURT: That will put Dr. Mueller in the box.

23 THE MARSHAL: All rise for the jury.

24 [Prospective jurors in at 3:42 p.m.]

25 THE COURT: Thank you, everyone. Please be seated. All

1 right, I think you guys have probably noticed our recesses are longer
2 than we anticipate, but we haven't really had a break for a long time
3 right now. Anyway, will the following jurors please stand. 161, Michalik;
4 130, Asato; and 217, Onyema. We want to thank you for being willing to
5 serve your community and for being here. We all hope you get a chance
6 to serve as a juror. And you're excused.

7 UNIDENTIFIED PROSPECTIVE JUROR: Thank you, Your
8 Honor.

9 UNIDENTIFIED PROSPECTIVE JUROR: Thank you.

10 THE COURT: All right. Marshal, if we can please reorder.

11 And while the marshal is doing that, we have some other --
12 some new jurors who have logistical issues. 056, if you're in the
13 courtroom, please stand. 157, probably in overflow. Please stand.
14 Can -- do you have a visual on that?

15 THE CLERK: It looks like someone's standing.

16 THE COURT: Thank you.

17 275 and 276. Based upon the reasons you have explained to
18 the marshal, all of you will be excused from serving on this jury.
19 However, everyone else who joined us today needs to be here tomorrow
20 at 9:30. Okay. It's 56, 157, 275, and 276. All right.

21 So Plaintiff, please continue with voir dire.

22 MR. ZAVITSANOS: Thank you, Your Honor.

23 Okay. All right. To the new folks, welcome. So can I just get
24 a show of hands if you heard -- actually, why don't you hold on to that
25 because you're probably going to need it? Okay. So I'm going to ask if

1 you all heard the discussion that we've been having about
2 preponderance of the evidence. Did you hear, ma'am?

3 PROSPECTIVE JUROR: Yes.

4 MR. ZAVITSANOS: Okay. So let me start there. This is
5 really directed to the three of you. If we're claiming over 10 and a half
6 million dollars, that's a big number. And is that the kind of thing where
7 you're going to require a higher burden of proof than simply a
8 preponderance of the evidence, which is described as kind of just
9 shifting very slightly in favor of one side. Given the amount of the claim,
10 is that something you would require either a clear and convincing level
11 in your mind, or beyond a reasonable doubt above the preponderance
12 standard? So would you tell us please your juror number and tell me
13 how you feel about that.

14 PROSPECTIVE JUROR 346: I think I'll need more to make my
15 decision.

16 MR. ZAVITSANOS: Okay. So you -- so you are not -- and
17 you heard -- did you hear Mr. Roberts describe the full definition that he
18 gave of preponderance? Were you here when -- did you hear him do
19 that? Okay. Is that a yes?

20 PROSPECTIVE JUROR 346: Yes.

21 MR. ZAVITSANOS: Okay. And even with that definition, you
22 would require a higher level of proof seeking over 10 million dollars; is
23 that correct?

24 PROSPECTIVE JUROR 346: Correct.

25 MR. ZAVITSANOS: Okay. So you would require at least

1 clear and convincing; is that right?

2 PROSPECTIVE JUROR 346: Correct.

3 MR. ZAVITSANOS: Okay. And maybe higher?

4 PROSPECTIVE JUROR 346: Possibly.

5 MR. ZAVITSANOS: Okay. But at least clear and convincing,
6 right?

7 PROSPECTIVE JUROR 346: Correct.

8 MR. ZAVITSANOS: Okay. And so then if we -- if we proved
9 our case by a preponderance, that is not sufficient for you, right? If we --
10 you need more?

11 PROSPECTIVE JUROR 346: More enough to make me
12 understand it to give my opinion. Yes.

13 MR. ZAVITSANOS: Okay. So right. That's a little different
14 now. We're going to try to make it clear. We're going to make -- try to
15 make it clear. But my question is if we make it clear and we prove our
16 case by a preponderance, say 51 percent, or the definition Mr. Roberts
17 used, before you would award something like 10 million dollars, you
18 would require an even higher level of proof, right?

19 PROSPECTIVE JUROR 346: Correct.

20 MR. ZAVITSANOS: Okay. Thank you, ma'am. Okay. Let's
21 pass it over. And your juror number, please?

22 PROSPECTIVE JUROR 313: 313.

23 MR. ZAVITSANOS: Okay.

24 PROSPECTIVE JUROR 313: And if that's -- if the legal burden
25 of proof is 51 percent, preponderance of evidence, I'm fine with that.

1 MR. ZAVITSANOS: Okay. Did you hear Mr. Roberts' --

2 PROSPECTIVE JUROR 313: I did.

3 MR. ZAVITSANOS: -- explanation? Okay. So that's a more
4 technical explanation. And the Court will give the definition at the end. I
5 don't think 51 percent's going to be in there. But that's a --

6 PROSPECTIVE JUROR 313: Okay.

7 MR. ZAVITSANOS: -- that's a shorthanded way that we refer
8 to it, okay?

9 PROSPECTIVE JUROR 313: Understood.

10 MR. ZAVITSANOS: Okay. So are you comfortable with the
11 preponderance standard?

12 PROSPECTIVE JUROR 313: I am.

13 MR. ZAVITSANOS: Okay. Okay. Let's pass it over. Give me
14 your number.

15 PROSPECTIVE JUROR 308: Badge 308.

16 MR. ZAVITSANOS: Okay. So let me ask first, when Mr.
17 Roberts gave that definition -- and I don't mean to put you on the spot
18 here now --

19 PROSPECTIVE JUROR 308: Uh-huh.

20 MR. ZAVITSANOS: -- did you understand it?

21 PROSPECTIVE JUROR 308: No.

22 MR. ZAVITSANOS: Okay. Did you understand --

23 PROSPECTIVE JUROR 308: Can you try to explain it one
24 more time for me?

25 MR. ZAVITSANOS: Did you understand any part of it?

1 PROSPECTIVE JUROR 308: No.

2 MR. ZAVITSANOS: Okay. Have you -- you've been in the
3 courtroom?

4 PROSPECTIVE JUROR 308: Yes. Uh-huh.

5 MR. ZAVITSANOS: And you --

6 PROSPECTIVE JUROR 308: And I'm trying.

7 MR. ZAVITSANOS: -- and you've been listening to the
8 discussion --

9 PROSPECTIVE JUROR 308: Uh-huh.

10 MR. ZAVITSANOS: -- that I've been having with many of
11 these nice people here?

12 PROSPECTIVE JUROR 308: Uh-huh.

13 MR. ZAVITSANOS: Is that a yes?

14 PROSPECTIVE JUROR 308: Yes.

15 MR. ZAVITSANOS: What percent of the discussion that I've
16 had with these nice people did you understand?

17 PROSPECTIVE JUROR 308: Well, if you can show me, like,
18 enough evidence to prove it, then I will go with the evidence. That's
19 what it is?

20 MR. ZAVITSANOS: I'm sorry.

21 PROSPECTIVE JUROR 308: Oh, what do you mean?

22 MR. ZAVITSANOS: I'm sorry.

23 PROSPECTIVE JUROR 308: I'm so sorry.

24 MR. ZAVITSANOS: That's okay. That's okay.

25 PROSPECTIVE JUROR 308: I'm sorry.

1 MR. ZAVITSANOS: Let me try it again.

2 PROSPECTIVE JUROR 308: I'm sorry.

3 MR. ZAVITSANOS: That's okay. That's okay. It's okay. No
4 problem.

5 THE COURT: Do you want privacy?

6 PROSPECTIVE JUROR 308: Yes.

7 THE COURT: Yes?

8 PROSPECTIVE JUROR 308: I don't want to -- I don't feel
9 comfortable.

10 MR. ZAVITSANOS: Okay.

11 THE COURT: I want to preserve your dignity here. I'm sorry,
12 everybody, but we're going to have to take a short break. Please don't
13 leave the area.

14 During this recess, don't talk with each other or anyone else
15 on any subject connected with the trial. Don't read, watch, or listen to
16 any report of or commentary on the trial. Don't discuss this case with
17 anyone connected to it by any medium of information, including without
18 limitation, newspapers, television, radio, internet, cell phones, or texting.

19 Don't conduct any research on your own. Don't speculate
20 about the witnesses, the issues. And so don't consult dictionaries, use
21 the internet, or use reference materials. Don't talk to others, text, Tweet,
22 Google, or conduct any type of research with regard to any issue, party,
23 witness, or attorney involved in the case. Do not form or express any
24 opinion on any subject connected with the trial until the matter is
25 submitted to the jury.

1 Everyone but Ms. Tat, please, don't go far. It's 3:51. We're in
2 the home stretch of the day.

3 [Prospective jurors out at 3:51 p.m.]

4 THE COURT: Okay. The room is now clear. So I didn't -- I'm
5 sorry that we put you on the spot here.

6 PROSPECTIVE JUROR 308: Yeah. I need to understand in
7 order for me to say yes. I need to understand.

8 THE CLERK: Can you please hold the microphone?

9 PROSPECTIVE JUROR 308: Yeah. I need to have help on
10 questions before I can give you a truly answer. If I don't understand the
11 question. I cannot just --

12 THE COURT: You know when the lawyer explained the
13 different levels of evidence, there were three different levels?

14 PROSPECTIVE JUROR 308: I don't understand the terms.

15 THE COURT: You didn't -- you weren't able to say which is
16 the highest or where -- what's the medium, what's the lowest?

17 PROSPECTIVE JUROR 308: I can say medium, high, or low.
18 But I don't --

19 THE COURT: Okay.

20 MR. ZAVITSANOS: May I just --

21 THE COURT: Yes.

22 MR. ZAVITSANOS: -- may I just look at Mr. Roberts and see,
23 and just see if we --

24 THE COURT: Yes.

25 MR. ZAVITSANOS: -- can make some eye contact?

1 MR. ROBERTS: Give me one second.

2 MR. ZAVITSANOS: We'll stipulate, Your Honor.

3 MR. ROBERTS: Yeah.

4 MR. ZAVITSANOS: I don't want her to have to go through
5 more of this.

6 MR. ROBERTS: Yeah. I agree.

7 MR. ZAVITSANOS: Ms. Tat, I'm sorry this morning we didn't
8 recognize. And I'm sorry that you were embarrassed today. I feel like
9 that's my fault.

10 PROSPECTIVE JUROR 308: Because I feel like --

11 THE COURT: So you have my apologies.

12 PROSPECTIVE JUROR 308: Yes, because I need to make sure
13 that, you know, I didn't get in trouble. I mean, I can't say I understand
14 and get through with it because I need to know -- let somebody know my
15 English is like basic level. Easy, I mean, enough for me to handle daily
16 life. But when it comes to more bigger words, I need more explanation
17 or another way for me to understand the question in order for me to give
18 you the right answer.

19 THE COURT: Yeah. There are a lot of complicated terms in
20 this case.

21 PROSPECTIVE JUROR 308: Yes. And I don't understand.
22 And I cannot take out my phone or try to record -- or try to even -- I don't
23 know the word to search in dictionary to even know what it means.

24 THE COURT: This doesn't mean you can't serve as a juror.
25 You're just --