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Elizabeth A. Brown
Clerk of the Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

UNITED HEALTHCARE
INSURANCE COMPANY, a
Connecticut corporation; UNITED
HEALTHCARE SERVICES, INC.,
d/b/a UNITEDHEALTCARE, a
Minnesota corporation; UMR, INC.,
d/b/a UNITED MEDICAL
RESOURCES, a Delaware corporation;
SIERRA HEALTH AND LIFE
INSURANCE COMPANY, INC., a
Nevada corporation; and HEALTH
PLAN OF NEVADA, INC., a Nevada
corporation,

Appellants,

vs.

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

Respondents.

Supreme Court No. 85525

Combined with

Supreme Court No. 85656

District Court No. A7292978

**RESPONDENTS' NOTICE OF NON-
OPPOSITION TO APPELLANTS'
MOTION TO EXCEED WORD LIMIT
FOR OPENING BRIEF**

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1 Respondents hereby file this Notice of Non-Opposition to Appellants’
2 Motion to Exceed Word Limit for Opening Brief, which was filed on April 18,
3 2023.

4 Respondents agree with Appellants that this is a complex case addressing
5 important legal questions and justifying leave to exceed the opening brief’s word
6 limitations under NRAP 32(a)(7).¹ While Respondents believe that Appellants’
7 Opening Brief is excessive even under these circumstances, Respondents
8 nonetheless do not object to the Appellants’ request.

9 That said, Appellants nominally request permission to file an Opening
10 Brief “with 31,311 words, 17,311 words in excess of the limit.”² Respondents
11 note that this count does not include the substantial word count Appellants have
12 incorporated by reference from their writ petition.³ While this Court permitted
13 Appellants to incorporate by reference specific pages of their writ petition,⁴
14 Appellants should have included those incorporated portions in their word count
15

16 ¹ Motion to Exceed Word Limit for Opening Brief 2-3 (Apr. 18, 2023).

17 ² *Id.* at 2.

18 ³ See Appellants’ Opening Brief (Redacted) § 4, at 164 (“United hereby
incorporates by reference pages 30-65 of its Mandamus Petition . . .”).

19 ⁴ Order Granting Motion to Consolidate 2 (Mar. 29, 2023)
20 (“Appellants/petitioners may incorporate specific pages of the petition by
reference into the opening brief and shall file a motion for excess pages or
type/volume if necessary.”).

1 for purposes of this Motion.⁵ Accordingly, Respondents clarify that the total
2 word count for Appellants' Opening Brief is 38,528, which is 24,528 words in
3 excess of the limit.

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19 ⁵ *Cf. id.* (implicitly recognizing that incorporating portions of the writ
20 petition did not eliminate the need to file a motion for excess pages if
necessary).

1 In fairness,⁶ Respondents anticipate filing their own Motion to Exceed
2 Word Limits for Respondents' Answering Brief, likely requesting a comparable
3 number of words, so that they can fully respond to Appellants' arguments.

4 DATED this 25th day of April, 2023.

5 **BAILEY ♦ KENNEDY**

6 By: /s/ Dennis L. Kennedy
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9 IN ASSOCIATION WITH:

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16 *And*

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19 *Attorneys for Respondents*

20 ⁶ See NRAP 32(a)(7)(A)(ii) (imposing the same word-count limitations on appellants' opening briefs and respondents' answering briefs). After all, Respondents have to respond to both the content in the opening brief *and* the 35 pages of content from the writ petition incorporated by reference in the Opening Brief. See Order Consolidating, at 2.

CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY ❖ KENNEDY and that on the 25th day of April, 2023, service of the foregoing **RESPONDENTS' NOTICE OF NON-OPPOSITION TO APPELLANTS' MOTION TO EXCEED WORD LIMIT FOR OPENING BRIEF** was made by electronic service through Nevada Supreme Court's electronic filing system and/or by depositing a true and correct copy in the U.S. Mail, first class postage prepaid, and addressed to the following at their last known address:

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