

IN THE SUPREME COURT OF THE STATE 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.

Case No. 85525

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District Court Case No. A-19-792978
Elizabeth A. Brown
Clerk of Supreme Court

MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF

(In Support of Appellants' Appeal)

The Nevada Association of Health Plans (NvAHP), a proposed *amicus curiae*, files this motion seeking leave of this Court to file a proposed amicus curiae brief, attached hereto as **Exhibit 1**, in support of Appellants' Appeal ("Appeal"). This motion is made pursuant to NRAP 29(c) and is based upon the following:

Amicus intervention is appropriate where "the amicus has an interest in some other case that may be affected by the decision in the present case (though not enough affected to entitle the amicus to intervene and become a party in the present case), or when the amicus has unique information or perspective that can help the Court beyond the help that the lawyers for the parties are able to provide."

Ryan v. Commodity Futures Trading Comm'n, 125 F.3d 1062, 1063 (7th Cir. 1997); *see also Miller- Wohl Co. v. Comm'r of Labor & Indus.*, 694 F.2d 203, 204 (9th Cir. 1982) (indicating that the classic role of an amicus curiae is to assist in cases of general public interest and to supplement the efforts of counsel by drawing the Court's attention to law that may have escaped consideration).

The Court should consider NvAHP's perspective in this litigation because NvAHP is the Nevada trade association for the largest and smallest health insurers and health maintenance organizations (HMOs) providing commercial health insurance and government programs to Nevadans. Some of NvAHP members are also claim administrators serving self-insured employers. Because NvAHP's perspective is that of other insurers, HMOs, and claim administrators similarly situated to Appellants, NvAHP is able to provide additional background information and context for the legal issues and positions inherent in Appellants' positions before this Court. At issue in the underlying case is the important issue of out-of-network emergency medicine provider reimbursement, and the ramifications of this appeal could foreseeably impact future decisions in potential litigation involving NvAHP's members with respect to provider reimbursement of a similar nature. As such, NvAHP is interested in the outcome of this matter, and the information and research provided within its proposed amicus brief provides important and helpful background information regarding this issue as it has been

addressed at the federal level and within the State of Nevada.

Accordingly, NvAHP respectfully requests that this Court grant this motion for leave to file its proposed amicus curiae brief in support of the Appeal.

Dated this 25th day of April, 2023.

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CERTIFICATE OF SERVICE

I certify that on this 25th day of April, 2023, I served the foregoing Motion for Leave to File Amicus Brief by electronic mail and United States mail to the following:

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