

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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92	Recorder's Transcript of Hearing Motion to Associate Counsel on OST	04/01/21	16	3981–3986

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359	Recorder's Transcript of Hearing Status Check	10/20/22	76	18,756–18,758
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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
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CERTIFICATE OF SERVICE

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

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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:

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DISTRICT COURT JUDGE – DEPT. 27
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DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

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

DEFENDANTS' OBJECTION TO
MEDIA REQUESTS



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

11 Defendants.

12 Defendants UnitedHealthcare Insurance Company (“UHIC”), United HealthCare
 13 Services, Inc. (“UHS”), UMR, Inc. (“UMR”), Sierra Health and Life Insurance Co., Inc. (“SHL”),
 14 and Health Plan of Nevada, Inc. (“HPN”) (collectively “Defendants”), by and through their
 15 attorneys, object to the October 18, 2021 and October 28, 2021 media requests for permission to
 16 “broadcast, record, photograph or televise proceedings in the above-entitled case” filed by Legal
 17 Newline and Dolcefino Communications, LLC. This Opposition is made pursuant to Supreme
 18 Court Rules 229 through 249, and is based upon the following Memorandum of Points and
 19 Authorities, the pleadings and papers on file herein, and any oral argument this Court may allow
 20 on this matter.

21 Dated this 28th day of October, 2021.

22 /s/ Colby L. Balkenbush

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MEMORANDUM OF POINTS AND AUTHORITIES

INTRODUCTION

On October 18, 2021 and October 28, 2021, Defendants received a “Media Request and Order Allowing Camera Access to Court Proceedings” for permission to “broadcast, record, photograph or televise proceedings in the above-entitled case” filed by Legal Newline and Dolcefino Communications, LLC (“Media Requests”). The Media Requests must be denied in their current form as this case has a Protective Order that protects certain information, materials, and testimony covered by a Confidentiality Agreement as they are Defendants’ trade secrets. In reliance on the Protective Order, Defendants have disclosed, among other things, the rates they pay to other third-party providers, both in Nevada and nationwide, Defendants’ internal processes and strategies regarding rates of reimbursement, the inner workings of Defendants’ out-of-network cost management programs, various negotiation parameters, and contracts with self-funded employer group customers.

If media coverage of the trial is permitted the Protective Order will essentially become meaningless and other providers will be able to tune in and use Defendants’ market data and negotiation parameters against them in future negotiations, to Defendants’ severe financial detriment. In addition, Defendants’ competitors – other insurers and claim administrators – will be able to obtain confidential, proprietary, and trade secret information about Defendants’ contracted rates, out-of-network reimbursements, and contracts with self-funded employer group customers. This will allow Defendants’ competitors to gain a competitive advantage vis-à-vis Defendants in both negotiations with providers and with self-funded employer group customers.

To be clear, Defendants do not oppose media access as a general principle. However, the Protective Order specifically contemplates that its protections will run through trial and the



1 Court should therefore enforce the Order and deny the Media Requests as currently submitted.
2 In the alternative, this Court should grant the Media Requests only to the portions of the trial
3 where documentary and testimonial evidence that are *not* Defendants' confidential, proprietary,
4 and trade secret information are being presented.

5 **ARGUMENT AND CITATION OF AUTHORITY**

6 **A. This Case Involves a Confidentiality Agreement and Stipulated**
7 **Protective Order that Protects the At-Issue Confidential Information**
8 **from Disclosure to the Public by the Media**

8 At the outset of this case, the parties recognized and appreciated that certain information,
9 materials and testimony regarding payment amounts, pricing and negotiations ("Confidential
10 Information") was confidential and needed to be protected for a variety of reasons. The parties
11 agreed that information regarding the Confidential Information should not get out to competitors,
12 the media and public. Defendants agreed to produce Confidential Information and testify
13 regarding confidential issues only based on the parties' agreement to enter the Confidentiality
14 Agreement. Recognizing the sensitive nature of this information, this Court entered the
15 Stipulated Confidentiality and Protective Order on June 24, 2020 ("Protective Order").¹

16 The Protective Order provided that only the "Qualified Persons" listed in the Order are
17 permitted to see information that has been designated "confidential" and/or "attorneys' eyes
18 only." Protective Order at ¶ 10(c). In general, "confidential" information may be shown to the
19 Court and Court personnel, counsel of record, party employees, witnesses during testimony, and
20 retained experts and consultants, but may not be shared outside the litigation. *Id.* at ¶ 12.
21 "Attorneys' eyes only" information may not be shown to party employees except for two
22 designated in-house counsel for each party who have no involvement in rate and contract
23 negotiations. *Id.* at ¶¶ 11(b), 12(b). Critically, nothing in the Protective Order indicates that
24 these protections expire upon the commencement of trial. Rather, the Protective Order provides
25

26 ¹ Prior to this case being remanded, the Nevada Federal District Court also entered a nearly identical
27 protective order that protected the Confidential Information. *See Fremont Emergency Services*
28 *(Mandavia) Ltd. v. United Healthcare Insurance Company, et al.*, Case No. 2:19-cv-00832-JAD-VCF,
ECF No. 30 (Oct. 21, 2019).





1 that during trial, if a party anticipates using another party's Confidential Information, it must
2 give at least three business days' notice prior to using the Confidential Information. *Id.* at ¶ 20.
3 The Protective Order further provides that during trial "[t]he Court may take such measures, as it
4 deems appropriate, to protect the claimed confidential nature of the document or information
5 sought to be admitted and to protect the Confidential Information from disclosure to persons
6 other than the [Qualified Persons]." *Id.*

7 Relying on the Confidentiality Agreement and its promise of ongoing protection,
8 Defendants produced Confidential Information on, among other things, (1) their in-network rates
9 and contracts with other providers, (2) the out-of-network rates paid to other providers, (3) the
10 providers with highest and lowest appeal rates, (4) the providers with the highest and lowest rates
11 of reimbursement, (5) documents showing Defendants' internal processes and strategies
12 regarding rates of reimbursement for in- and out-of-network providers, (6) negotiation
13 parameters for resolving inquiries from out-of-network providers, (7) the inner-workings of
14 Defendants' out-of-network cost management programs, and (8) contracts with self-funded
15 employer group customers. Moreover, the above highly sensitive market data was not limited to
16 Nevada, but also included national market data from all 50 states. Defendants also provided
17 significant deposition testimony on these topics that was then designated "confidential" or
18 "attorneys' eyes only" under the Protective Order. Although this alone merits denying the Media
19 Requests, the Court should at a minimum enforce the Protective Order by closing the trial
20 proceedings to the media and public only when Defendants' trade secret and other confidential or
21 proprietary information is being used or discussed.

22 Nevada law recognizes that courts should protect trade secrets or other confidential
23 information by reasonable means, including allowing parties to file documents containing such
24 information under seal and having closed proceedings. *See* SRCR 3(4)(g); Nev. R. Civ. P.
25 26(c)(7) and (8) (a court may enter an order "that a trade secret or other confidential research,
26 development, or commercial information not be revealed or be revealed only in a designated
27 way," including under seal).

28 The Nevada Supreme Court has acknowledged "the obvious and equally well-



established principle . . . that courts do have the inherent power to close their proceedings and records when justified by the circumstances,” including “when necessary to (a) comply with established public policy set forth in the constitution, statutes, rules, or case law [and] (b) to protect trade secrets.” *Whitehead v. Commission on Judicial Discipline*, 111 Nev. 70, 120, 839 P.2d 866, 897 (1995). As an example, the Nevada Supreme Court has previously canceled the live streaming of oral arguments to protect against the disclosure of trade secrets. **Exhibit 1** (Order Precluding Live Streaming of Argument, *Cox v. Copperfield et al.*, No. 76422 (Sept. 15, 2020)).² Likewise, the United States Supreme Court asserted that “[e]very court has supervisory power over its own records and files, and access has been denied where court files might have become a vehicle for improper purposes.” *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 598-99 (1978).

B. This Court Should Make Particular Findings To Deny the Media Requests

When determining whether to allow electronic coverage of a trial, the Judge "shall make particularized findings on the record [and]...shall consider the following factors:"

- a) The impact of coverage upon the right of any party to a fair trial;
- b) The impact of coverage upon the right of privacy of any party or witness;
- c) The impact of coverage upon the safety and well-being of any party, witness or juror;
- d) The likelihood that coverage would distract participants or would detract from the dignity of the proceedings;
- e) The adequacy of the physical facilities of the court for coverage; and
- f) Any other factor affecting the fair administration of justice.

² As context for the Nevada Supreme Court’s order denying live streaming of the oral argument, the Nevada Court of Appeals had previously reversed the trial judge and found that it was appropriate to close certain portions of the trial of the underlying matter to the public to protect against the disclosure of trade secrets. Like here, the parties to that case had also signed confidentiality agreements during discovery to protect the trade secrets from disclosure. *David Copperfield's Disappearing, Inc. v. Eighth Jud. Dist. Ct. in & for Cty. of Clark*, 134 Nev. 928 (Nev. App. 2018).

1 S.C.R. 230(2).

2 Here, these factors weigh in favor of denying the Media Requests. First, media coverage
3 of this trial will destroy Defendants' right keep their sensitive market data and related
4 information private under the Court's existing Protective Order (factor b). Defendants relied on
5 the Protective Order in producing the Confidential Information. Allowing the Media Requests
6 would nullify the spirit and letter of the Protective Order.

7 Second, allowing the Media Requests would harm Defendants' well-being (factor c).
8 Without relief from this Court, other emergency providers would be able to watch the
9 proceedings, discover the rates Defendants pay, Defendants' negotiation strategies and the inner
10 workings of Defendants' cost management programs. Other emergency providers could then use
11 this information against Defendants' in future negotiations—the exact thing the Protective Order
12 was designed to prevent. As but one example, this case will involve discussions of the
13 negotiation parameters Defendants asked MultiPlan to use during its negotiations with out-of-
14 network providers. If other providers learn these parameters, they will know exactly how far
15 they need to push in negotiations to maximize payments by Defendants to them.

16 As another example, Defendants' competitors – other insurers and claim administrators –
17 will be able to gain access to information regarding Defendants' in-network and out-of-network
18 reimbursement rates. They may be able to use this information to gain a competitive advantage
19 over Defendants both in negotiations with providers, but also in negotiations with the self-funded
20 employer group customers. The latter concern issue is all the more salient, given that
21 Defendants' competitors would also be able to obtain copies of Defendants' contracts with those
22 self-funded employer group customers and obtain sensitive information contained therein.

23 Finally, allowing media coverage would also result in an unfair administration of justice
24 (factor f). Based on the Court's current *in limine* rulings, Defendants stand to be harmed much
25 more than Plaintiffs if the Protective Order is cast aside in favor of media coverage of the trial.
26 The Court precluded Defendants from introducing evidence of the rates Plaintiffs' agreed to
27 accept for their in-network contracts but permitted Plaintiffs to introduce evidence of
28 Defendants' in-network rates. *See* Rulings on Defendants' Motion in Limine Nos. 1 and 2.



1 Similarly, the Court precluded Defendants from introducing evidence on how Plaintiffs' set their
 2 billed charges but permitted Plaintiffs to introduce evidence on how Defendants' determine their
 3 rates of reimbursement. *See* Rulings on Defendants' Motion in Limine Nos. 3 and 4. In light of
 4 this, allowing media coverage would be fundamentally unfair to Defendants and the Court
 5 should be skeptical of any opposition by Plaintiffs to this Objection. Thus, this Court should find
 6 that allowing the Media Requests will impact Defendants' trade secrets and proprietary rights and
 7 deny the Media Requests.

8 **C. This Case Involves Defendants' Trade Secrets**

9 Defendants are seeking to protect the information subject to the Confidentiality
 10 Agreement and Protective Order as it is clearly Defendants' trade secrets and proprietary
 11 information. Nevada's Uniform Trade Secrets Act defines a trade secret in NRS 600A.030 (5)(a)
 12 and (b) as follows:

13 "Trade secret" means information, including, without limitation, a formula, pattern,
 14 compilation, program, device, method, technique, product, system, process, design,
 15 prototype, procedure, computer programming instruction or code that:

16 (a) Derives independent economic value, actual or potential, from not being
 17 generally known to, and not being readily ascertainable by proper means
 18 by the public or any other persons who can obtain commercial or
 19 economic value from its disclosure or use;

20 and

21 (b) Is the subject of efforts that are reasonable under the circumstances
 22 to maintain its secrecy.

23 Here, the trade secret information the Defendants are attempting to protect meets both
 24 requirements outlined in NRS 600A.030(5)(a) and (b). Specifically, the Confidential Information
 25 falls under several of the categories outlined in NRS 600A.030(5)(a) as the rates Defendants' pay
 26 to other providers, Defendants' methods of negotiating out-of-network charges and Defendants'
 27 negotiation parameters all derive independent economic value from the fact that they are not
 28 known to other providers. If other emergency providers know the top rates Defendants are
 willing to pay and Defendants' negotiation methods and parameters, they will be able to use this
 information against Defendants in future negotiations. This is classic trade secret information



1 that has been traditionally protected by courts. *Allied Waste Servs. of N. Am., LLC v. Tibble*, 177
2 F. Supp. 3d 1103, 1112 (N.D. Ill. 2016) (“Trade secrets include . . . pricing, distribution, and
3 marketing plans, and sales data and market analysis information.”); *DF Inst., LLC v. Dalton*
4 *Educ., LLC*, No. 19-CV-452-JDP, 2020 WL 4597122, at *5 (W.D. Wis. Aug. 11, 2020) (noting
5 that market data spreadsheets were a protected trade secret); *Brubaker Kitchens, Inc. v. Brown*,
6 No. CIV.A. 05-6756, 2006 WL 1193223, at *2 (E.D. Pa. May 3, 2006) “(market data may be
7 protected as trade secrets...)”).

8 Defendants also have made reasonable efforts to maintain the secrecy of the trade secrets,
9 including by entering into the Confidentiality Agreement with Plaintiffs and requiring that a
10 Protective Order be issued in this matter prior to providing any information with respect to their
11 trade secrets. Defendants have also regularly filed Confidential Information under seal with this
12 Court. Therefore, the Confidential Information meets the requirements of Nevada's Uniform
13 Trade Secrets Act and contains trade secret information. As such, these trade secrets must be
14 protected by closing the court proceedings related to the same from the media and general public.

15 Courts have held that the presumption of openness in judicial proceedings may be
16 overcome by an interest in safeguarding a trade secret and is the kind of confidential
17 commercial information that courts have traditionally protected. *Publiker Industries, Inc. v.*
18 *Cohen*, 733 F.2d at 1073 citing *Zenith Radio Corp. v. Matsushita Electric Industrial Co.*, 529
19 F.Supp. at 890, n. 42. Good cause exists to issue an order to close certain court proceedings,
20 including the opening statement and closing argument, to protect Defendants' interests in the
21 trade secret information revealing the amounts they pay to other providers, their negotiation
22 methods, strategies and parameters and the inner workings of their out-of-network cost
23 management programs. It is beyond dispute that the publication of the amounts Defendants pay
24 to other providers and Defendants' negotiation parameters would cause Defendants to suffer
25 serious financial injury as it would severely harm their ability to negotiate favorable rates with
26 other providers and to manage spiraling out-of-network costs. To allow an open courtroom
27 during any proceedings wherein this Confidential Information is discussed would be severely
28 prejudicial to Defendants' business and trade.



D. Defendants and Witnesses Do Not Consent

S.C.R. 240 provides that, although permission is not required, the Court may in its discretion “prohibit the filming or photographing of any participant who does not consent to being filmed or photographed.” Defendants, for themselves and on behalf of their employees, agents, officers, directors, counsel, and witnesses do not consent to recording or photographs, except during portions of the trial where their Confidential Information is not being used or discussed. Accordingly, for this additional reason, the Court should deny or limit the Media Requests.

CONCLUSION

For the reasons stated herein, Defendants request that this Court deny or limit the Media Requests and enforce the Protective Order.

Dated this 28th day of October, 2021.

/s/ Colby L. Balkenbush

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CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of October, 2021, a true and correct copy of the foregoing **DEFENDANTS' OBJECTION TO MEDIA REQUESTS** was electronically filed/served on counsel through the Court's electronic service system pursuant to Administrative Order 14-2 and N.E.F.C.R. 9, via the electronic mail addresses noted below, unless service by another method is stated or noted:

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007015

EXHIBIT 1

007016

007016

EXHIBIT 1

IN THE SUPREME COURT OF THE STATE OF NEVADA

GAVIN COX; AND MIHN-HAHN COX,
HUSBAND AND WIFE,

Appellants,

vs.

DAVID COPPERFIELD, A/K/A DAVID
S. KOTKIN, MGM GRAND HOTEL,
LLC; BACKSTAGE EMPLOYMENT
AND REFERRAL, INC.; DAVID
COPPERFIELD'S DISAPPEARING,
INC.; AND TEAM CONSTRUCTION
MANAGEMENT, INC.,

Respondents.

No. 76422

FILED

SEP 15 2020

ELIZABETH A. GROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

O R D E R

Respondents filed a notice requesting this court to take measures to protect against disclosure of trade secrets during oral argument of this matter, currently scheduled for September 16, 2020. Appellants oppose the notice. Having considered the pleadings, the oral argument in this matter will not be webcast (live-streamed). The oral argument will be recorded, as is the court's practice. Respondents shall have until 5:00 p.m. on September 18, 2020, to notify this court whether they will seek redactions to the oral argument recording prior to the posting of the oral argument on the court's website.

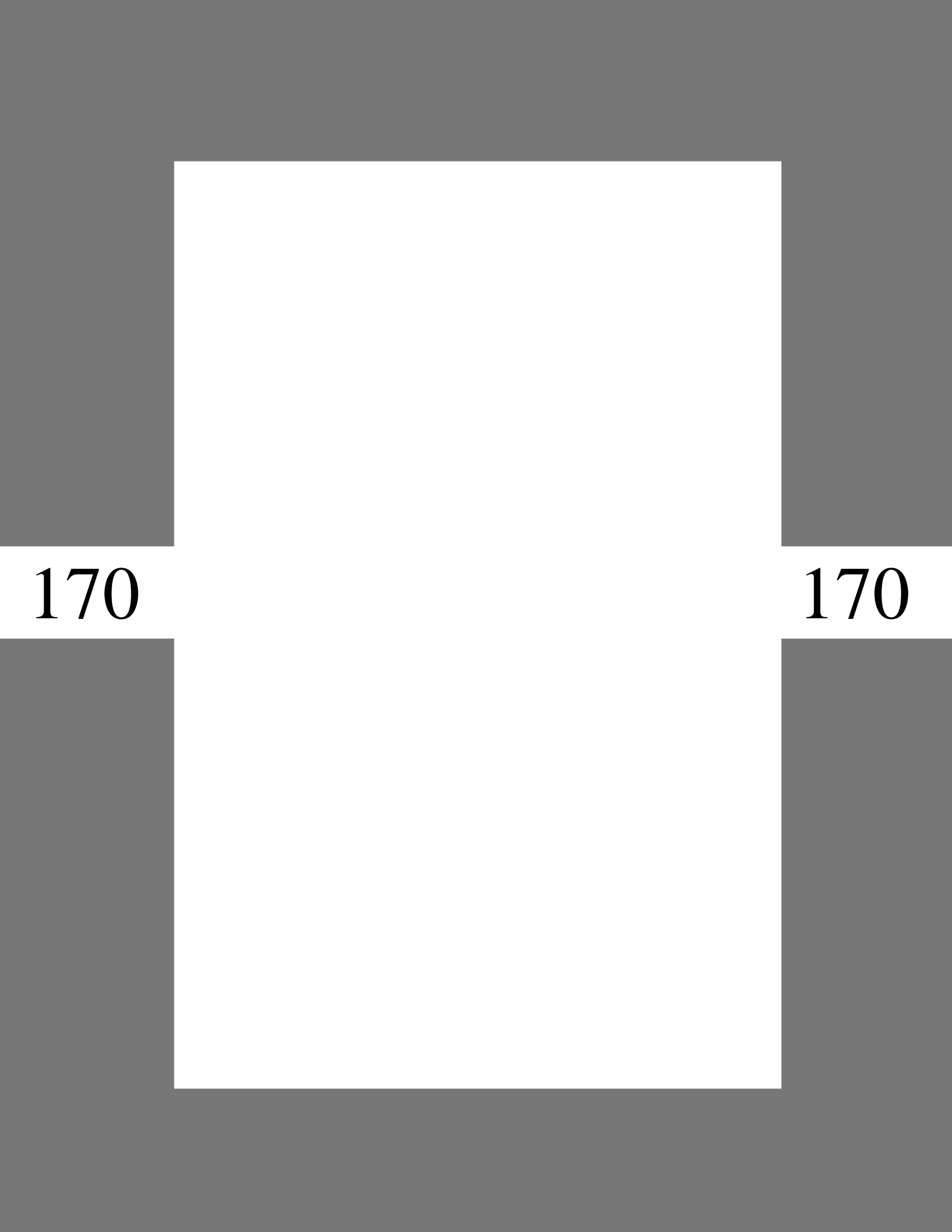
It is so ORDERED.

, A.C.J.
Gibbons

cc: Morelli Law Firm PLLC
Harris & Harris, Injury Lawyers
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DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

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

**SUPPLEMENT TO DEFENDANTS'
OBJECTION TO MEDIA REQUESTS**

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

11 Defendants.

12 Defendants UnitedHealthcare Insurance Company (“UHIC”), United HealthCare
 13 Services, Inc. (“UHS”), UMR, Inc. (“UMR”), Sierra Health and Life Insurance Co., Inc. (“SHL”),
 14 and Health Plan of Nevada, Inc. (“HPN”) (collectively “Defendants”), by and through their
 15 attorneys, hereby file this supplement to their October 28, 2021 Objection to Media Requests.

16 Defendants request that the Court consider the following attached documents in
 17 conjunction with Defendants’ Objection to Media Requests. Defendants intend to reference
 18 these documents during the November 1, 2021 hearing on the Objection.

- 19 • Attached as **Exhibit 1** to the Supplement is an October 29, 2021 press release by
 20 TeamHealth on the Yahoo Finance website. In particular, Defendants intend to
 21 reference the paragraph on the last page of Exhibit 1 that reads: “*The Nevada trial*
 22 *should be the most significant view behind the managed care curtain in recent*
 23 *history—all of which has been largely attorneys’ eyes only going into the trial.*”

24 ///

25 ///

26 ///

27 ///

28 ///



- Attached as **Exhibit 2** to the Supplement is an excerpt from the October 28, 2021 voir dire transcript that includes comments by several of jurors in regard to media presence in the courtroom.

Dated this 31st day of October, 2021.

/s/ Colby L. Balkenbush

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CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of October, 2021, a true and correct copy of the foregoing **SUPPLEMENT TO DEFENDANTS' OBJECTION TO MEDIA REQUESTS** was electronically filed/served on counsel through the Court's electronic service system pursuant to Administrative Order 14-2 and N.E.F.C.R. 9, via the electronic mail addresses noted below, unless service by another method is stated or noted:

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EXHIBIT 1

007024

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TeamHealth Provider Groups Continue Nevada Fight for Justice for Patients and Clinicians

TeamHealth

Fri, October 29, 2021, 2:43 PM · 4 min read

LAS VEGAS, Oct. 29, 2021 (GLOBE NEWSWIRE) -- Jury selection is scheduled to enter its fifth day Monday in the long-anticipated showdown between insurance behemoth United and three groups of Nevada emergency department clinicians. The clinicians, who filed their case in Clark County, Nevada district court in April 2019, seek \$10.5 million in compensatory damages, plus punitive damages.

At issue is whether or not United has paid the appropriate rate for more than eleven thousand claims that arose when the clinicians provided emergency care to United insureds. The clinicians allege gross underpayments which pose grave financial harm to them in light of their commitment never to balance bill patients. Ironically, it is this commitment that emboldened United to kick emergency providers across the country out of network in 2019 and perniciously start lowering reimbursement payments.

TeamHealth has ten cases pending against United regarding these gross underpayments, seeking tens of millions of dollars.

Quote Lookup

TRENDING

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the nature of the scheme is as yet unknown to United's stakeholders but is expected to be revealed in the course of the looming trial.

- ADVERTISEMENT -



United's profits come from United's so-called "Shared Savings Program," which provides United a percentage of the "savings" the company achieves by systematically underpaying out-of-network providers. United bases its administrative fee on the difference between undiscounted billed charges and the amount that the company actually pays - not on the smaller difference between prior contracted rates or rates historically accessed from rental networks. The administrative fee routinely exceeds the amount allowed the provider. United recognizes the terrible optics that creates – but proceeds anyway because this scheme generates billions of dollars.

United anticipated at the outset of its Shared Savings scheme that its members would be exposed to balance bills. To reduce that potential exposure, United launched a nefarious multi-part plan to get balance billing outlawed. First, United recruited "independent" academic researchers to advance a narrative that private equity backed physician groups were terminating contracts and seeking payment of billed charges. This became the Yale Study authored by Zack Cooper. Cooper's paper blames physicians – not United – for surprise billing, but by his own admission states, "Unfortunately, there is no systemic evidence on the frequency that patients are balance billed or exposed to the full costs of an episode of care."

With its "independent" study in hand, United lobbied Congress to ban balance billing and advanced a formula that allowed

the courtroom and keep the evidence out of the public eye – and away from the Congressmen they misled with their tainted and biased “study.” Nonetheless, our legal team has successfully fought to shine the light on United’s nefarious conduct, and beginning Tuesday, those facts will finally be in the public arena.

The Nevada trial should be the most significant view behind the managed care curtain in recent history – all of which has been largely attorneys’ eyes only going into the trial.

About TeamHealth

At [TeamHealth](#), our purpose is to perfect the practice of medicine, every day, in everything we do. We are proud to be the leading physician practice in the U.S., driven by our commitment to quality and safety and supported by our world-class operating team. To improve the experience of our physicians and advanced practice clinicians, we empower clinicians to act on what they believe is right, free clinicians from distractions so they can focus on patient care, invest in learning and development to promote growth in the clinical field and foster an environment where continuous improvement is a shared priority. Through our more than 15,000 affiliated healthcare professionals and advanced practice clinicians, TeamHealth offers emergency medicine, hospital medicine, critical care, anesthesiology, orthopedic surgery, general surgery, obstetrics, ambulatory care, post-acute care and medical call center solutions to approximately 2,900 acute and post-acute facilities and physician groups nationwide. [Join our team](#); we value and empower clinicians. [Partner with us](#); we deliver on our promises. [Learn more at www.teamhealth.com](#).

The term “TeamHealth” as used throughout this release includes Team Health Holdings, Inc., its subsidiaries, affiliates, affiliated medical groups and providers, all of which are part of the TeamHealth organization. “Providers” are physicians, advanced practice clinicians and other healthcare providers who are employed by or contract with subsidiaries or affiliated entities of Team Health Holdings, Inc. All such providers exercise independent clinical judgment when providing patient care. Team Health Holdings, Inc., does not have any

EXHIBIT 2

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1 RTRAN

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4
5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 FREMONT EMERGENCY SERVICES
(MANDAVIS) LTD., ET AL.,

9 Plaintiffs,

10 vs.

11 UNITED HEALTHCARE
INSURANCE COMPANY, ET AL.,

12 Defendants.
13

CASE#: A-19-792978-B

DEPT. XXVII

14 BEFORE THE HONORABLE NANCY ALLF
15 DISTRICT COURT JUDGE
THURSDAY, OCTOBER 28, 2021

16 **RECORDER'S TRANSCRIPT OF JURY TRIAL - DAY 4**

17 APPEARANCES:

18 For the Plaintiffs:

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JOHN ZAVITSANOS, ESQ.
JASON S. MCMANIS, ESQ.
JOSEPH Y. AHMAD, ESQ.
KEVIN LEYENDECKER, ESQ.
JANE ROBINSON, ESQ.

22 For the Defendants:

D. LEE ROBERTS, JR., ESQ.
K. LEE BLALACK, ESQ.

24
25 RECORDED BY: BRYNN WHITE, COURT RECORDER

1 know, these are the same questions I asked you all. But if any of you
2 have changed your mind about any of this, please raise your hand and
3 let me know. Okay? Thank you. Oh, you raised your hand. Okay. Go
4 ahead.

5 PROSPECTIVE JUROR 313: 313.

6 MR. ZAVITSANOS: Yes, sir?

7 PROSPECTIVE JUROR 313: The issue that I'm kind of
8 struggling with, with preponderance of the evidence has to do with my
9 job as a human resource manager for on-site. We do deal with contracts
10 and such. And as such, my concern and what might be in the back of my
11 mind is that if a \$10 million settlement, and you had mentioned punitive
12 damages --

13 MR. ZAVITSANOS: Yeah. I haven't gotten there yet. But,
14 yes.

15 PROSPECTIVE JUROR 313: -- and such, if that were awarded,
16 my thought would be how would my 76 people who are employed by --
17 employed with their contract, when their contract gets reviewed, would
18 that be an issue? Would it be an issue with Dignity Health when they're
19 looking to renew contracts, right? Inadvertently, we're putting 76 people
20 out of a job then by not renewing their -- having their contract renewed.

21 MR. ZAVITSANOS: Okay. So -- okay. So just to couple of
22 clarifying points, and then I'm going to add one more little variable onto
23 the next and see if it makes you even more uncomfortable. Okay?

24 So here's the -- here -- here's the issue. So Dignity Health,
25 there will be some discussion about them, but they don't really have any

1 skin in the game here one way or another. In other words, they're not --
2 nothing about that organization or that institution is -- they're not making
3 a claim, they're not being sued here. But there's going to be evidence
4 about that. Now, let me add another little wrinkle into the mix to follow
5 up on what you just said. There's some possibility that there will be
6 members of the press here, and that this case will be covered in the
7 news. Okay?

8 Now, if that happens and you see the reporters and the
9 room, okay, is this a situation where you're thinking, oh, man, I've -- I
10 can't award ten-and-a-half million dollars and have the risk of my name
11 -- you know, some reporter shoving a microphone in my face after the
12 trial, given the job that I do, that's just not real comfortable. I have to go
13 back and explain to the person X, Y, and Z about why I did this. And I'm
14 going to be on the defensive. And is that going to -- and none of this has
15 anything to do with the evidence in the case right now that I'm asking
16 you, right?

17 MR. ROBERTS: May we approach, Your Honor?

18 THE COURT: You may.

19 MR. ROBERTS: Thank you.

20 [Sidebar at 11:47 a.m., ending at 11:50 a.m., not transcribed]

21 THE COURT: Okay. Court will come back to order, please.
22 All right. So for the purpose of the record, I overruled the objection, but I
23 want to make it clear to you guys that if there is media for the trial, the
24 media will never focus on you guys, ever. Okay?

25 MR. ZAVITSANOS: In the courtroom.

1 THE COURT: In the courtroom.

2 MR. ZAVITSANOS: Yes.

3 THE COURT: Do you have a question?

4 PROSPECTIVE JUROR 593: 593. Why in the -- why does he
5 wait until the fourth day? Like --

6 THE COURT RECORDER: Can we have a microphone,
7 please?

8 THE COURT: You know, Mr. Nesci, I'm really sorry that it just
9 came up today. But there was a media request this morning.

10 PROSPECTIVE JUROR 593: Okay. I don't -- I just personally
11 feel it wasn't full disclosure, so.

12 THE COURT: The -- if there is media they will -- they never
13 take pictures of anyone on the jury. But after the trial, it's possible that
14 someone might try to talk to you. Just --

15 PROSPECTIVE JUROR 593: Well, I'm a -- Your Honor, I'm a
16 private citizen, with the emphasis on private. And this makes me feel
17 very uncomfortable.

18 THE COURT: Thank you for letting us know.

19 PROSPECTIVE JUROR 593: Thank you.

20 MR. ZAVITSANOS: Okay. And so I'm going to follow-up
21 with you. So you obviously are privileged not to speak with anyone.

22 PROSPECTIVE JUROR 593: Correct.

23 MR. ZAVITSANOS: If you end up on the jury --

24 PROSPECTIVE JUROR 593: Correct.

25 MR. ZAVITSANOS: Okay? So I am not suggesting in any

1 way, shape, or form that you are obligated to speak to them. I was
2 simply following up with this gentleman that if there's media in the
3 courtroom, and they're reporting on the case, is that going to affect, you
4 know, his thinking and evaluating the evidence, which is something
5 that's not part of the evidence, okay?

6 Now, I can tell you because of the way the process operates
7 in Nevada, where, you know, we've been doing this kind of musical
8 chairs thing where you keep moving, this is a topic I was going to get to.
9 But because a number of people have been excused, justifiably so over
10 the last few days, I didn't get to this topic until now. I was hoping to get
11 to it a couple of days ago. I did not anticipate we were going to have this
12 many motions. That's why. So my apologies to you for not raising this
13 sooner, okay?

14 PROSPECTIVE JUROR 593: Well, your term was somebody
15 could be shoving a microphone in your face; was it not?

16 MR. ZAVITSANOS: After the trial. That's correct. I cannot
17 control what the media does. And if there are reporters outside the
18 courtroom, and they approach you, and they come up to you, I cannot
19 control that.

20 THE COURT: Well, you know --

21 MR. ZAVITSANOS: Yeah.

22 THE COURT: Hang on. Let me control this situation a little
23 bit. For anyone, if you are selected for the jury, we can make sure that
24 you are escorted out the back door. You know, we'll take precautions,
25 too. I don't want you guys to be worried about the possibility that this

1 might be in the news. I'm going to try to allay your fears as much as
2 possible. The marshal knows the secret entrances and exits to this
3 building. Okay? We would do everything we could to accommodate
4 everyone's concerns so that you could actually do your job as jurors. I
5 don't want you to be sidetracked by that.

6 MR. ZAVITSANOS: May I proceed, Your Honor?

7 THE COURT: Please.

8 MR. ZAVITSANOS: Okay. All right. So getting back to my
9 question, okay? So you've heard the exchange and all that. So given
10 what I -- given what we just discussed, is this the kind of situation that
11 makes you uncomfortable to the point that it may impact what you do
12 because of what you'd have to explain to your employer later or because
13 there might be news coverage or no coverage. I mean, I don't know.
14 There might be a little bit, there may be a lot. I have no idea. Okay? I'm
15 just -- I just need to know if this is going to impact you as a juror even
16 just a little bit. Okay?

17 PROSPECTIVE JUROR 313: 313. In all honestly, I think it
18 would. If something like that were to come up, I'd end up having to fly
19 out to Nashville and talk to our CEO.

20 MR. ZAVITSANOS: Okay. And I gather what that means is,
21 let me put a finer point on it if I can, if the verdict was zero, you wouldn't
22 have to fly out there, right? But if the verdict was over ten million plus
23 punitives, that's what causes you concerns.

24 PROSPECTIVE JUROR 313: Correct.

25 MR. ZAVITSANOS: Right?

1 PROSPECTIVE JUROR 313: Correct.

2 MR. ZAVITSANOS: Okay. And that's the kind of thing that
3 you think would put pressure on you to get the zero rather than the 10.5,
4 because of the concerns you'd have around your career and around your
5 employment.

6 PROSPECTIVE JUROR 313: Correct.

7 MR. ZAVITSANOS: Right?

8 PROSPECTIVE JUROR 313: I'd have to be brutally honest
9 with you.

10 MR. ZAVITSANOS: Yeah. We got you. Hey, listen, that is
11 what we want. That's what we want, okay? So -- okay. So given that,
12 and of course, that's something happening outside of the witness box or
13 the exhibits that the Court admits or the instructions that the Court gives.
14 The Court is not going to give any instructions concerning the media
15 other than you shouldn't talk to them, and you shouldn't be on social
16 media and read articles and things like that. There will be a long
17 instruction on that.

18 But other than that, though, if there's reporting on this, if
19 there's even a possibility of that, just me saying that, what you're telling
20 us is you don't think you could be a completely even-levelled juror
21 because of the potential consequences to you?

22 PROSPECTIVE JUROR 313: Correct.

23 MR. ZAVITSANOS: Okay. And therefore, you'd have a
24 difficult time following the Court's instructions, given what I've just said.

25 PROSPECTIVE JUROR 313: Correct.

1 MR. ZAVITSANOS: Okay. All right. How about the rest of
2 you all here in the front row? And then I'm going to get to the other folks
3 in the back because that is a new question.

4 PROSPECTIVE JUROR 014: Punitives is, like --

5 THE CLERK: Badge number, please.

6 PROSPECTIVE JUROR 014: I'm sorry. 014. Can you explain
7 punitives a little bit? I --

8 MR. ZAVITSANOS: Yeah. Right now --

9 PROSPECTIVE JUROR 014: Is that where you're at?

10 MR. ZAVITSANOS: Yes. Can I -- can you indulge me and do
11 me a favor? I promise I'm going to get to that with you all.

12 PROSPECTIVE JUROR 014: Okay.

13 MR. ZAVITSANOS: Right now, I'm just asking about if there
14 are members of the press in the courtroom --

15 PROSPECTIVE JUROR 014: Okay.

16 MR. ZAVITSANOS: -- is that -- is that going to affect the way
17 you listen to the evidence or make your decision. That's really the issue.

18 PROSPECTIVE JUROR 014: For me, no.

19 MR. ZAVITSANOS: Okay.

20 PROSPECTIVE JUROR 014: I mean, if you deserve it. If you
21 don't deserve it, you don't.

22 MR. ZAVITSANOS: Okay. Thank you. All right. Juror,
23 please? Number.

24 PROSPECTIVE JUROR 015: Juror 015. I don't have any
25 problem with the media, but I also feel like this gentleman back here said

1 if I'm outside of the courtroom, and I'm, you know, shoving a
2 microphone and everything, I'm going to be uncomfortable with that
3 myself.

4 MR. ZAVITSANOS: Got it. Got it. And so I'm -- I don't want
5 to speak for the Court, but I do understand that arrangements can be
6 made so that if that's an issue, that the Court will take steps to minimize
7 that.

8 PROSPECTIVE JUROR 015: Thank you, sir.

9 MR. ZAVITSANOS: Okay. Okay. And Juror number?

10 PROSPECTIVE JUROR 020: I'm not going to have an issue.

11 MR. ZAVITSANOS: You don't have an issue?

12 PROSPECTIVE JUROR 020: No.

13 MR. ZAVITSANOS: Okay. All right. Now, for the rest of the
14 folks, let me start on the back row. What I just said regarding potentially,
15 members of the media being in the courtroom or reporting on the case,
16 would that affect either the way you evaluate the evidence or how you
17 make a decision? Anybody in the back row?

18 Okay. How about the second row? Okay. The third row?
19 Yes, sir. Let's pass that microphone.

20 PROSPECTIVE JUROR 593: If there will be guarantees --

21 THE CLERK: Badge number, please.

22 PROSPECTIVE JUROR 593: 593. If there will be guarantees
23 that I don't have to deal with the media and I can walk safely to my car
24 and back, I have no issue.

25 MR. ZAVITSANOS: Okay.

1 PROSPECTIVE JUROR 593: If there's guarantees.

2 MR. ZAVITSANOS: I am not -- it's a very dangerous thing for
3 me to speak for the Court, so I'm not going to do it. Okay? I heard what
4 Her Honor said, and I understood it. I think you understood it. But I will
5 let --

6 THE COURT: Yeah. I'll confer with court security over the
7 lunch break, and I can get back to you on that.

8 PROSPECTIVE JUROR 593: Thank you.

9 MR. ZAVITSANOS: Okay. Thank you, sir. And by the way,
10 while you're holding the mic, anything else of what I just said that would
11 impact you one way or another on that?

12 PROSPECTIVE JUROR 593: Of the media issue?

13 MR. ZAVITSANOS: Yeah, yeah, yeah. In other words, is it
14 going to --

15 PROSPECTIVE JUROR 593: No.

16 MR. ZAVITSANOS: Is it going to affect the way either you
17 listen to the evidence or how you make a decision?

18 PROSPECTIVE JUROR 593: No.

19 MR. ZAVITSANOS: Or what kind of decision you make?

20 PROSPECTIVE JUROR 593: No.

21 MR. ZAVITSANOS: Okay. All right. Next row, the second
22 row. Yes? We've got to get juror number, and if you could speak into
23 the microphone.

24 PROSPECTIVE JUROR 082: 082, and it's not really about the
25 media.

1 Don't speculate with regard to the issues, the lawyers, or the parties. Do
2 not talk, do not post on social media that you are in jury selection. Don't
3 text, tweet, Google issues or conduct any other type of book or computer
4 research with regard to any issue, party, witness, or an attorney involved
5 in the case. Most importantly, do not form or express any opinion on
6 any subject connected with the trial until the jury is selected and the jury
7 deliberates.

8 You've been great this week. Thank you for not throwing a
9 fit about having to come back Monday. Have a good three days off and
10 see you then.

11 THE MARSHAL: All rise for the jury.

12 [Prospective jurors out at 4:42 p.m.]

13 THE COURT: Okay, everybody. Room is clear. Plaintiff, do
14 you have anything for the record?

15 MR. ZAVITSANOS: Not on the record, Your Honor.

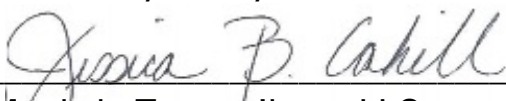
16 THE COURT: Defendant, anything for the record?

17 MR. ROBERTS: Nothing for the record from the Defendants,
18 Your Honor.

19 THE COURT: Okay.

20 [Proceedings concluded at 4:43 p.m.]

21 ATTEST: I do hereby certify that I have truly and correctly transcribed the
22 audio-visual recording of the proceeding in the above entitled case to the
23 best of my ability.

24 

25 Maukele Transcribers, LLC

 Jessica B. Cahill, Transcriber, CER/CET-708

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

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

Defendants

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

**NOTICE OF ENTRY OF ORDER
DENYING DEFENDANTS' MOTION IN
LIMINE NO. 1 MOTION TO
AUTHORIZE DEFENDANTS TO
OFFER EVIDENCE RELATING TO
PLAINTIFFS' AGREEMENTS WITH
OTHER MARKET PLAYERS AND
RELATED NEGOTIATIONS**

007040

1 PLEASE TAKE NOTICE that an Order Denying Defendants' Motion In Limine No. 1
2 Motion To Authorize Defendants To Offer Evidence Relating To Plaintiffs' Agreements With
3 Other Market Players And Related Negotiations was entered on November 1, 2021, a copy of
4 which is attached hereto.

5 DATED this 1st day of November, 2021.

6 McDONALD CARANO LLP

7
8 By: /s/ Kristen T. Gallagher

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19 *Services (Mandavia), Ltd., Team Physicians*
20 *of Nevada-Mandavia, P.C. & Crum, Stefanko*
21 *and Jones, Ltd. dba Ruby Crest Emergency Medicine*
22
23
24
25
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28

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on this 1st day of November, 2021, I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER DENYING DEFENDANTS' MOTION IN LIMINE NO. 1 MOTION TO AUTHORIZE DEFENDANTS TO OFFER EVIDENCE RELATING TO PLAINTIFFS' AGREEMENTS WITH OTHER MARKET PLAYERS AND RELATED NEGOTIATIONS** to be served via this Court's Electronic Filing system in the above-captioned case, upon the following:

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DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

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

Defendants.

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

**ORDER DENYING DEFENDANTS'
MOTION IN LIMINE NO. 1: MOTION
TO AUTHORIZE DEFENDANTS TO
OFFER EVIDENCE RELATING TO
PLAINTIFFS' AGREEMENTS WITH
OTHER MARKET PLAYERS AND
RELATED NEGOTIATIONS**

Hearing Date: October 20, 2021
Hearing Time: 10:00 a.m.

This matter came before the Court on October 20, 2021 on defendants UnitedHealthcare Insurance Company; United HealthCare Services, Inc.; UMR, Inc.; Sierra Health and Life Insurance Co., Inc.; and Health Plan of Nevada, Inc.'s (collectively, "United") Motion in Limine No. 1: Motion to Authorize Defendants to Offer Evidence Relating to Plaintiffs' Agreements with Other Market Players and Related Negotiations (the "Motion"). Pat Lundvall, Kristen T. Gallagher and Amanda M. Perach, McDonald Carano LLP; and John Zavitsanos and Jason McManis, Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing, P.C., appeared on behalf of plaintiffs Fremont Emergency Services (Mandavia), Ltd. ("Fremont"); Team Physicians of Nevada-Mandavia, P.C. ("Team Physicians"); Crum, Stefanko and Jones, Ltd. dba Ruby Crest Emergency Medicine ("Ruby Crest" and collectively the "Health Care Providers"). Colby Balkenbush, Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC; Lee Blalack, O'Melveny & Myers LLP; and Dan Polsenberg, Lewis Roca Rothgerber Christie LLP appeared on behalf of United.

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

IT IS HEREBY ORDERED that the Motion is DENIED for the reasons stated on the record. If Defendants believe evidence, argument, or testimony subject to this ruling is relevant and should be admitted, they shall make an offer of proof outside the presence of the jury.

November 1, 2021

Dated this 1st day of November, 2021

Nancy L Alf

TW

039 40C C99E 11E2
Nancy Alf
District Court Judge

Submitted by:

AHMAD, ZAVITSANOS, ANAIPAKOS,
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/s/ Jason S. McManis

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Approved as to form and content:

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Marianne Carter

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Sent: Sunday, October 31, 2021 5:09 PM
To: Jason McManis; Legendy, Philip E.; Blalack II, K. Lee
Cc: Balkenbush, Colby; Michael Killingsworth; TMH010; Pat Lundvall; Amanda Perach; Kristen T. Gallagher
Subject: RE: Pretrial Orders

Yes.

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Sent: Sunday, October 31, 2021 4:45 PM
To: Portnoi, Dimitri D. <dportnoi@omm.com>; Legendy, Philip E. <plegendy@omm.com>; Blalack II, K. Lee <lblalack@omm.com>
Cc: Balkenbush, Colby <CBalkenbush@wwhgd.com>; Michael Killingsworth <mkillingsworth@AZALAW.COM>; TMH010 <TMH010@azalaw.com>; Pat Lundvall <plundvall@mcdonaldcarano.com>; Amanda Perach <aperach@mcdonaldcarano.com>; Kristen T. Gallagher <kgallagher@mcdonaldcarano.com>
Subject: Re: Pretrial Orders

[EXTERNAL MESSAGE]

Dimitri,

We accept the revisions to the dropped claims order and the orders denying Defendants' MILs 1, 3, 5, 7, 11, and 13.

May we file those with your signature as well?

Thanks,
 Jason

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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

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

CASE NO: A-19-792978-B

8 vs.

DEPT. NO. Department 27

9 United Healthcare Insurance
10 Company, Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

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

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

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

Defendants

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

**NOTICE OF ENTRY OF ORDER
DENYING DEFENDANTS' MOTION IN
LIMINE NO. 2: MOTION OFFERED IN
THE ALTERNATIVE TO MIL NO. 1, TO
PRECLUDE PLAINTIFFS FROM
OFFERING EVIDENCE RELATING TO
DEFENDANTS' AGREEMENTS WITH
OTHER MARKET PLAYERS AND
RELATED NEGOTIATIONS**

1 PLEASE TAKE NOTICE that an Order Denying Defendants' Motion in Limine No. 2:
2 Motion Offered in the Alternative to MIL No. 1, to Preclude Plaintiffs from Offering Evidence
3 Relating to Defendants' Agreements with Other Market Players and Related Negotiations was
4 entered on November 1, 2021, a copy of which is attached hereto.

5 DATED this 1st day of November, 2021.

6 McDONALD CARANO LLP

7 By: /s/ Kristen T. Gallagher

8 Pat Lundvall (NSBN 3761)

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17 *Services (Mandavia), Ltd., Team Physicians*
18 *of Nevada-Mandavia, P.C. & Crum, Stefanko*
19 *and Jones, Ltd. dba Ruby Crest Emergency Medicine*
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on this 1st day of November, 2021, I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER DENYING DEFENDANTS' MOTION IN LIMINE NO. 2: MOTION OFFERED IN THE ALTERNATIVE TO MIL NO. 1, TO PRECLUDE PLAINTIFFS FROM OFFERING EVIDENCE RELATING TO DEFENDANTS' AGREEMENTS WITH OTHER MARKET PLAYERS AND RELATED NEGOTIATIONS** to be served via this Court's Electronic Filing system in the above-captioned case, upon the following:

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DISTRICT COURT

CLARK COUNTY, NEVADA

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professional corporation; CRUM,
STEFANKO AND JONES, LTD. dba RUBY
CREST EMERGENCY MEDICINE, a
Nevada professional corporation,

Plaintiffs,

vs.

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

Defendants.

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

**ORDER DENYING DEFENDANTS'
MOTION IN LIMINE NO. 2: MOTION
OFFERED IN THE ALTERNATIVE TO
MIL NO. 1, TO PRECLUDE
PLAINTIFFS FROM OFFERING
EVIDENCE RELATING TO
DEFENDANTS' AGREEMENTS WITH
OTHER MARKET PLAYERS AND
RELATED NEGOTIATIONS**

Hearing Date: October 20, 2021
Hearing Time: 1:00 p.m.

This matter came before the Court on October 20, 2021 on defendants UnitedHealthcare Insurance Company; United HealthCare Services, Inc.; UMR, Inc.; Sierra Health and Life Insurance Co., Inc.; and Health Plan of Nevada, Inc.'s (collectively, "United") Motion in Limine No. 2: Motion Offered in the Alternative to MIL No. 1, to Preclude Plaintiffs from Offering Evidence Relating to Defendants' Agreements with Other Market Players and Related Negotiations (the "Motion"). Pat Lundvall, Kristen T. Gallagher and Amanda M. Perach, McDonald Carano LLP; and John Zavitsanos and Jason McManis, Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing, P.C., appeared on behalf of plaintiffs Fremont Emergency Services (Mandavia), Ltd. ("Fremont"); Team Physicians of Nevada-Mandavia, P.C. ("Team Physicians"); Crum, Stefanko and Jones, Ltd. dba Ruby Crest Emergency Medicine ("Ruby Crest" and collectively the "Health Care Providers"). Colby Balkenbush, Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC; Lee Blalack, O'Melveny & Myers LLP; and Dan Polsenberg, Lewis Roca Rothgerber Christie LLP appeared on behalf of United.

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

IT IS HEREBY ORDERED that the Motion is DENIED for the reasons stated on the record.

November 1, 2021

Dated this 1st day of November, 2021

Nancy L. Alf

TW

8DA 07A 2839 8535
Nancy Alf
District Court Judge

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Submitted by:

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To: Jason McManis; Legendy, Philip E.; Blalack II, K. Lee
Cc: Balkenbush, Colby; Michael Killingsworth; TMH010; Pat Lundvall; Amanda Perach; Kristen T. Gallagher
Subject: RE: Pretrial Orders
Attachments: Defs' revisions to Pls' revised MILs (1, 3, 5, 7, 11, 13).zip; Order on Plaintiffs MIL Re Dropped Claims (Defendants' redline) (03374558x9C8C6).docx

Jason,

We are confirming that you may sign and submit the Orders denying Defendants' MILs 2, 4, 8, 10, 12, 14, 15, 20, 27. You may also sign and submit the Orders denying Defendants' MILs 18, 24, 29, 32, 38, and unnumbered Frantz, as well as the Order denying Defendants' Motion to Strike Leathers.

007059

007059

1 **CSERV**

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

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

CASE NO: A-19-792978-B

7 vs.

DEPT. NO. Department 27

8
9 United Healthcare Insurance
Company, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

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

Defendants

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

**NOTICE OF ENTRY OF ORDER
DENYING DEFENDANTS' MOTION IN
LIMINE NO. 3 TO ALLOW
REFERENCES TO PLAINTIFFS'
DECISION MAKING PROCESSES
REGARDING SETTING BILLED
CHARGES**

007064

1 PLEASE TAKE NOTICE that an Order Denying Defendants' Motion In Limine No. 3
2 To Allow References To Plaintiffs' Decision Making Processes Regarding Setting Billed
3 Charges was entered on November 1, 2021, a copy of which is attached hereto.

4 DATED this 1st day of November, 2021.

5 McDONALD CARANO LLP

6
7 By: /s/ Kristen T. Gallagher

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17 *Attorneys for Plaintiffs Fremont Emergency*
18 *Services (Mandavia), Ltd., Team Physicians*
19 *of Nevada-Mandavia, P.C. & Crum, Stefanko*
20 *and Jones, Ltd. dba Ruby Crest Emergency Medicine*
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on this 1st day of November, 2021, I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER DENYING DEFENDANTS' MOTION IN LIMINE NO. 3 TO ALLOW REFERENCES TO PLAINTIFFS' DECISION MAKING PROCESSES REGARDING SETTING BILLED CHARGES** to be served via this Court's Electronic Filing system in the above-captioned case, upon the following:

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DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

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

Defendants.

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

**ORDER DENYING DEFENDANTS'
MOTION IN LIMINE NO. 3 TO
ALLOW REFERENCES TO
PLAINTIFFS' DECISION MAKING
PROCESSES REGARDING SETTING
BILLED CHARGES**

Hearing Date: October 22, 2021
Hearing Time: 10:00 a.m.

This matter came before the Court on October 22, 2021 on defendants UnitedHealthcare Insurance Company; United HealthCare Services, Inc.; UMR, Inc.; Sierra Health and Life Insurance Co., Inc.; and Health Plan of Nevada, Inc.'s (collectively, "United") Motion in Limine No. 3 to Allow References to Plaintiffs' Decision Making Processes Regarding Setting Billed Charges (the "Motion"). Pat Lundvall, Kristen T. Gallagher and Amanda M. Perach, McDonald Carano LLP; and John Zavitsanos, Joe Ahmad, Jane Robinson, Kevin Leyendecker and Jason McManis, Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing, P.C., appeared on behalf of plaintiffs Fremont Emergency Services (Mandavia), Ltd. ("Fremont"); Team Physicians of Nevada-Mandavia, P.C. ("Team Physicians"); Crum, Stefanko and Jones, Ltd. dba Ruby Crest Emergency Medicine ("Ruby Crest" and collectively the "Health Care Providers"). Colby Balkenbush, Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC; Lee Blalack and Dimitri Portnoi O'Melveny & Myers LLP; and Dan Polsenberg, Lewis Roca Rothgerber Christie LLP appeared on behalf of United.

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

IT IS HEREBY ORDERED that the Motion is DENIED for the reasons stated on the record. If Defendants believe evidence, argument, or testimony subject to this ruling is relevant and should be admitted, they shall make an offer of proof outside the presence of the jury.

November 1, 2021

Dated this 1st day of November, 2021

Nancy L Allf

TW

718 DA5 A739 F3AA
Nancy Allf
District Court Judge

Submitted by:

AHMAD, ZAVITSANOS, ANAIPAKOS,
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/s/ Jason S. McManis

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Attorneys for Defendants

Marianne Carter

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To: Jason McManis; Legendy, Philip E.; Blalack II, K. Lee
Cc: Balkenbush, Colby; Michael Killingsworth; TMH010; Pat Lundvall; Amanda Perach; Kristen T. Gallagher
Subject: RE: Pretrial Orders

Yes.

From: Jason McManis <jmcmnis@AZALAW.COM>
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Subject: Re: Pretrial Orders

[EXTERNAL MESSAGE]

Dimitri,

We accept the revisions to the dropped claims order and the orders denying Defendants' MILs 1, 3, 5, 7, 11, and 13.

May we file those with your signature as well?

Thanks,
 Jason

007071

007071

1 **CSERV**

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

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

CASE NO: A-19-792978-B

7 vs.

DEPT. NO. Department 27

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Company, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

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

Defendants

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

**NOTICE OF ENTRY OF ORDER
DENYING DEFENDANTS' MOTION IN
LIMINE NO. 4 TO PRECLUDE
REFERENCES TO DEFENDANTS'
DECISION MAKING PROCESSES AND
REASONABLENESS OF BILLED
CHARGES IF MOTION IN LIMINE NO.
3 IS DENIED**

1 PLEASE TAKE NOTICE that an Order Denying Defendants' Motion in Limine No. 4 to
2 Preclude References to Defendants' Decision Making Processes and Reasonableness of Billed
3 Charges if Motion in Limine No. 3 is Denied was entered on November 1, 2021, a copy of
4 which is attached hereto.

5 DATED this 1st day of November, 2021.

6 McDONALD CARANO LLP

7 By: /s/ Kristen T. Gallagher

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17 *Services (Mandavia), Ltd., Team Physicians*
18 *of Nevada-Mandavia, P.C. & Crum, Stefanko*
19 *and Jones, Ltd. dba Ruby Crest Emergency Medicine*
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on this 1st day of November, 2021, I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER DENYING DEFENDANTS' MOTION IN LIMINE NO. 4 TO PRECLUDE REFERENCES TO DEFENDANTS' DECISION MAKING PROCESSES AND REASONABLENESS OF BILLED CHARGES IF MOTION IN LIMINE NO. 3 IS DENIED** to be served via this Court's Electronic Filing system in the above-captioned case, upon the following:

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DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

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

Defendants.

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

**ORDER DENYING DEFENDANTS'
MOTION IN LIMINE NO. 4 TO
PRECLUDE REFERENCES TO
DEFENDANTS' DECISION MAKING
PROCESSES AND
REASONABLENESS OF BILLED
CHARGES IF MOTION IN LIMINE
NO. 3 IS DENIED**

Hearing Date: October 22, 2021
Hearing Time: 10:00 a.m.

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McDONALD CARANO

2300 WEST SAHARA AVENUE, SUITE 1200 • LAS VEGAS, NEVADA 89102
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This matter came before the Court on October 22, 2021 on defendants UnitedHealthcare Insurance Company; United HealthCare Services, Inc.; UMR, Inc.; Sierra Health and Life Insurance Co., Inc.; and Health Plan of Nevada, Inc.'s (collectively, "United") Motion in Limine No. 4 to Preclude References to Defendants' Decision Making Processes and Reasonableness of Billed Charges if Motion in Limine No. 3 is Denied (the "Motion"). Pat Lundvall, Kristen T. Gallagher and Amanda M. Perach, McDonald Carano LLP; and John Zavitsanos, Joe Ahmad, Jane Robinson, Kevin Leyendecker and Jason McManis, Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing, P.C., appeared on behalf of plaintiffs Fremont Emergency Services (Mandavia), Ltd. ("Fremont"); Team Physicians of Nevada-Mandavia, P.C. ("Team Physicians"); Crum, Stefanko and Jones, Ltd. dba Ruby Crest Emergency Medicine ("Ruby Crest" and collectively the "Health Care Providers"). Colby Balkenbush, Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC; Lee Blalack and Dimitri Portnoi O'Melveny & Myers LLP; and Dan Polsenberg, Lewis Roca Rothgerber Christie LLP appeared on behalf of United.

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

IT IS HEREBY ORDERED that the Motion is DENIED for the reasons stated on the record.

November 1, 2021

Dated this 1st day of November, 2021

Nancy L Allf

TW

AEB 3B2 DB23 728F
Nancy Allf
District Court Judge

Submitted by:

AHMAD, ZAVITSANOS, ANAIPAKOS,
ALAVI & MENSING, P.C.

/s/ Jason S. McManis

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Cc: Balkenbush, Colby; Michael Killingsworth; TMH010; Pat Lundvall; Amanda Perach; Kristen T. Gallagher
Subject: RE: Pretrial Orders
Attachments: Defs' revisions to Pls' revised MILs (1, 3, 5, 7, 11, 13).zip; Order on Plaintiffs MIL Re Dropped Claims (Defendants' redline) (03374558x9C8C6).docx

Jason,

We are confirming that you may sign and submit the Orders denying Defendants' MILs 2, 4, 8, 10, 12, 14, 15, 20, 27. You may also sign and submit the Orders denying Defendants' MILs 18, 24, 29, 32, 38, and unnumbered Frantz, as well as the Order denying Defendants' Motion to Strike Leathers.

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1 **CSERV**

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

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

CASE NO: A-19-792978-B

7 vs.

DEPT. NO. Department 27

8
9 United Healthcare Insurance
Company, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12
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14 Court. The foregoing Order Denying was served via the court's electronic eFile system to all
recipients registered for e-Service on the above entitled case as listed below:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

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

Defendants

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

**NOTICE OF ENTRY OF ORDER
DENYING DEFENDANTS' MOTION IN
LIMINE NO. 12, PAIRED WITH
MOTION IN LIMINE NO. 11, TO
PRECLUDE PLAINTIFFS FROM
DISCUSSING DEFENDANTS'
APPROACH TO REIMBURSEMENT**

007088

1 PLEASE TAKE NOTICE that an Order Denying Defendants' Motion in Limine No. 12,
2 Paired with Motion in Limine No. 11, to Preclude Plaintiffs from Discussing Defendants'
3 Approach to Reimbursement was entered on November 1, 2021, a copy of which is attached
4 hereto.

5 DATED this 1st day of November, 2021.

6 McDONALD CARANO LLP

7 By: /s/ Kristen T. Gallagher

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18 *of Nevada-Mandavia, P.C. & Crum, Stefanko*
19 *and Jones, Ltd. dba Ruby Crest Emergency Medicine*
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on this 1st day of November, 2021, I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER DENYING DEFENDANTS' MOTION IN LIMINE NO. 12, PAIRED WITH MOTION IN LIMINE NO. 11, TO PRECLUDE PLAINTIFFS FROM DISCUSSING DEFENDANTS' APPROACH TO REIMBURSEMENT** to be served via this Court's Electronic Filing system in the above-captioned case, upon the following:

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DISTRICT COURT

CLARK COUNTY, NEVADA

FREMONT EMERGENCY SERVICES
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NEVADA-MANDAVIA, P.C., a Nevada
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STEFANKO AND JONES, LTD. dba RUBY
CREST EMERGENCY MEDICINE, a
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Plaintiffs,

vs.

UNITED HEALTHCARE INSURANCE
COMPANY, a Connecticut corporation;
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MEDICAL RESOURCES, a Delaware
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INSURANCE COMPANY, INC., a Nevada
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INC., a Nevada corporation,

Defendants.

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

**ORDER DENYING DEFENDANTS'
MOTION IN LIMINE NO. 12, PAIRED
WITH MOTION IN LIMINE NO. 11,
TO PRECLUDE PLAINTIFFS FROM
DISCUSSING DEFENDANTS'
APPROACH TO REIMBURSEMENT**

Hearing Date: October 22, 2021
Hearing Time: 10:00 a.m.

1 This matter came before the Court on October 22, 2021 on defendants UnitedHealthcare
 2 Insurance Company; United HealthCare Services, Inc.; UMR, Inc.; Sierra Health and Life
 3 Insurance Co., Inc.; and Health Plan of Nevada, Inc.'s (collectively, "United") Motion in Limine
 4 No. 12, Paired with Motion in Limine No. 11, to Preclude Plaintiffs from Discussing Defendants'
 5 Approach to Reimbursement (the "Motion"). Pat Lundvall, Kristen T. Gallagher and Amanda
 6 M. Perach, McDonald Carano LLP; and John Zavitsanos, Joe Ahmad, Jane Robinson, Kevin
 7 Leyendecker and Jason McManis, Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing, P.C.,
 8 appeared on behalf of plaintiffs Fremont Emergency Services (Mandavia), Ltd. ("Fremont");
 9 Team Physicians of Nevada-Mandavia, P.C. ("Team Physicians"); Crum, Stefanko and Jones,
 10 Ltd. dba Ruby Crest Emergency Medicine ("Ruby Crest" and collectively the "Health Care
 11 Providers"). Colby Balkenbush, Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC; Lee Blalack
 12 and Dimitri Portnoi O'Melveny & Myers LLP; and Dan Polsenberg, Lewis Roca Rothgerber
 13 Christie LLP appeared on behalf of United.

14 The Court, having considered the Motion and the Health Care Providers' opposition, and
 15 the argument of counsel at the hearing on this matter, and good cause appearing, finds and orders
 16 as follows:

17 IT IS HEREBY ORDERED that the Motion is DENIED for the reasons stated on the
 18 record.

19
 20 November 1, 2021

Dated this 1st day of November, 2021

Nancy L Allf

TW

A4B 7A2 173F F703
 Nancy Allf
 District Court Judge

Submitted by:

AHMAD, ZAVITSANOS, ANAIPAKOS,
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/s/ Jason S. McManis

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Cc: Balkenbush, Colby; Michael Killingsworth; TMH010; Pat Lundvall; Amanda Perach; Kristen T. Gallagher
Subject: RE: Pretrial Orders
Attachments: Defs' revisions to Pls' revised MILs (1, 3, 5, 7, 11, 13).zip; Order on Plaintiffs MIL Re Dropped Claims (Defendants' redline) (03374558x9C8C6).docx

Jason,

We are confirming that you may sign and submit the Orders denying Defendants' MILs 2, 4, 8, 10, 12, 14, 15, 20, 27. You may also sign and submit the Orders denying Defendants' MILs 18, 24, 29, 32, 38, and unnumbered Frantz, as well as the Order denying Defendants' Motion to Strike Leathers.

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1 **CSERV**

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

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

CASE NO: A-19-792978-B

7 vs.

DEPT. NO. Department 27

8
9 United Healthcare Insurance
Company, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12
13 This automated certificate of service was generated by the Eighth Judicial District
14 Court. The foregoing Order Denying was served via the court's electronic eFile system to all
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

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COMPANY, a Connecticut corporation;
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MEDICAL RESOURCES, a Delaware
corporation; SIERRA HEALTH AND LIFE
INSURANCE COMPANY, INC., a Nevada
corporation; HEALTH PLAN OF NEVADA,
INC., a Nevada corporation.

Defendants

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

**NOTICE OF ENTRY OF ORDER
DENYING DEFENDANTS' MOTION IN
LIMINE NO. 5 REGARDING
ARGUMENT OR EVIDENCE THAT
AMOUNTS TEAMHEALTH
PLAINTIFFS BILLED FOR SERVICES
ARE REASONABLE [AN
ALTERNATIVE MOTION TO MOTION
IN LIMINE NO. 6]**

1 PLEASE TAKE NOTICE that an Order Denying Defendants' Motion In Limine No. 5
2 Regarding Argument Or Evidence That Amounts Teamhealth Plaintiffs Billed For Services Are
3 Reasonable [An Alternative Motion To Motion In Limine No. 6] was entered on November 1,
4 2021, a copy of which is attached hereto.

5 DATED this 1st day of November, 2021.

6 McDONALD CARANO LLP

7
8 By: /s/ Kristen T. Gallagher

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21 *and Jones, Ltd. dba Ruby Crest Emergency Medicine*
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on this 1st day of November, 2021, I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER DENYING DEFENDANTS' MOTION IN LIMINE NO. 5 REGARDING ARGUMENT OR EVIDENCE THAT AMOUNTS TEAMHEALTH PLAINTIFFS BILLED FOR SERVICES ARE REASONABLE [AN ALTERNATIVE MOTION TO MOTION IN LIMINE NO. 6]** to be served via this Court's Electronic Filing system in the above-captioned case, upon the following:

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DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

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

Defendants.

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

**ORDER DENYING DEFENDANTS'
MOTION IN LIMINE NO. 5
REGARDING ARGUMENT OR
EVIDENCE THAT AMOUNTS
TEAMHEALTH PLAINTIFFS BILLED
FOR SERVICES ARE REASONABLE
[AN ALTERNATIVE MOTION TO
MOTION IN LIMINE NO. 6]**

Hearing Date: October 22, 2021
Hearing Time: 10:00 a.m.

This matter came before the Court on October 22, 2021 on defendants UnitedHealthcare Insurance Company; United HealthCare Services, Inc.; UMR, Inc.; Sierra Health and Life Insurance Co., Inc.; and Health Plan of Nevada, Inc.'s (collectively, "United") Motion in Limine No. 5 Regarding Evidence that Amounts TeamHealth Plaintiffs Billed for Services Are Reasonable [An Alternative Motion to Motion in Limine No. 6] (the "Motion"). Pat Lundvall, Kristen T. Gallagher and Amanda M. Perach, McDonald Carano LLP; and John Zavitsanos, Joe Ahmad, Jane Robinson, Kevin Leyendecker and Jason McManis, Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing, P.C., appeared on behalf of plaintiffs Fremont Emergency Services (Mandavia), Ltd. ("Fremont"); Team Physicians of Nevada-Mandavia, P.C. ("Team Physicians"); Crum, Stefanko and Jones, Ltd. dba Ruby Crest Emergency Medicine ("Ruby Crest" and collectively the "Health Care Providers"). Colby Balkenbush, Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC; Lee Blalack and Dimitri Portnoi O'Melveny & Myers LLP; and Dan Polsenberg, Lewis Roca Rothgerber Christie LLP appeared on behalf of United.

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

IT IS HEREBY ORDERED that the Motion is DENIED for the reasons stated on the record. If Defendants believe evidence, argument, or testimony subject to this ruling is relevant and should be admitted, they shall make an offer of proof outside the presence of the jury.

November 1, 2021

Dated this 1st day of November, 2021

Nancy L Alif

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**ABA 842 B08E 843F
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District Court Judge**

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Approved as to form and content:

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Marianne Carter

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Sent: Sunday, October 31, 2021 5:09 PM
To: Jason McManis; Legendy, Philip E.; Blalack II, K. Lee
Cc: Balkenbush, Colby; Michael Killingsworth; TMH010; Pat Lundvall; Amanda Perach; Kristen T. Gallagher
Subject: RE: Pretrial Orders

Yes.

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Cc: Balkenbush, Colby <CBalkenbush@wwhgd.com>; Michael Killingsworth <mkillingsworth@AZALAW.COM>; TMH010 <TMH010@azalaw.com>; Pat Lundvall <plundvall@mcdonaldcarano.com>; Amanda Perach <aperach@mcdonaldcarano.com>; Kristen T. Gallagher <kgallagher@mcdonaldcarano.com>
Subject: Re: Pretrial Orders

[EXTERNAL MESSAGE]

Dimitri,

We accept the revisions to the dropped claims order and the orders denying Defendants' MILs 1, 3, 5, 7, 11, and 13.

May we file those with your signature as well?

Thanks,
Jason

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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

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

CASE NO: A-19-792978-B

8 vs.

DEPT. NO. Department 27

9 United Healthcare Insurance
10 Company, Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

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

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

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

Defendants

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

**NOTICE OF ENTRY OF ORDER
DENYING DEFENDANTS' MOTION IN
LIMINE NO. 7 TO AUTHORIZE
DEFENDANTS TO OFFER EVIDENCE
OF THE COSTS OF THE SERVICES
THAT PLAINTIFFS PROVIDED**

007112

007112

1 PLEASE TAKE NOTICE that an Order Denying Defendants' Motion In Limine No. 7
2 To Authorize Defendants To Offer Evidence Of The Costs Of The Services That Plaintiffs
3 Provided was entered on November 1, 2021, a copy of which is attached hereto.

4 DATED this 1st day of November, 2021.

5 McDONALD CARANO LLP

6
7 By: /s/ Kristen T. Gallagher

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19 *of Nevada-Mandavia, P.C. & Crum, Stefanko*
20 *and Jones, Ltd. dba Ruby Crest Emergency Medicine*
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on this 1st day of November, 2021, I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER DENYING DEFENDANTS' MOTION IN LIMINE NO. 7 TO AUTHORIZE DEFENDANTS TO OFFER EVIDENCE OF THE COSTS OF THE SERVICES THAT PLAINTIFFS PROVIDED** to be served via this Court's Electronic Filing system in the above-captioned case, upon the following:

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DISTRICT COURT

CLARK COUNTY, NEVADA

FREMONT EMERGENCY SERVICES
(MANDAVIA), LTD., a Nevada professional
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NEVADA-MANDAVIA, P.C., a Nevada
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STEFANKO AND JONES, LTD. dba RUBY
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Plaintiffs,

vs.

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

Defendants.

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

**ORDER DENYING DEFENDANTS'
MOTION IN LIMINE NO. 7 TO
AUTHORIZE DEFENDANTS TO
OFFER EVIDENCE OF THE COSTS
OF THE SERVICES THAT
PLAINTIFFS PROVIDED**

Hearing Date: October 22, 2021
Hearing Time: 10:00 a.m.

This matter came before the Court on October 22, 2021 on defendants UnitedHealthcare Insurance Company; United HealthCare Services, Inc.; UMR, Inc.; Sierra Health and Life Insurance Co., Inc.; and Health Plan of Nevada, Inc.'s (collectively, "United") Motion in Limine No. 7 to Authorize Defendants to Offer Evidence of the Costs of the Services that Plaintiffs Provided (the "Motion"). Pat Lundvall, Kristen T. Gallagher and Amanda M. Perach, McDonald Carano LLP; and John Zavitsanos, Joe Ahmad, Jane Robinson, Kevin Leyendecker and Jason McManis, Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing, P.C., appeared on behalf of plaintiffs Fremont Emergency Services (Mandavia), Ltd. ("Fremont"); Team Physicians of Nevada-Mandavia, P.C. ("Team Physicians"); Crum, Stefanko and Jones, Ltd. dba Ruby Crest Emergency Medicine ("Ruby Crest" and collectively the "Health Care Providers"). Colby Balkenbush, Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC; Lee Blalack and Dimitri Portnoi O'Melveny & Myers LLP; and Dan Polsenberg, Lewis Roca Rothgerber Christie LLP appeared on behalf of United.

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

IT IS HEREBY ORDERED that the Motion is DENIED for the reasons stated on the record. If Defendants believe evidence, argument, or testimony subject to this ruling is relevant and should be admitted, they shall make an offer of proof outside the presence of the jury.

Dated this 1st day of November, 2021

November 1, 2021

Nancy L Alf

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558 386 D008 B803
Nancy Alf
District Court Judge

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Marianne Carter

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To: Jason McManis; Legendy, Philip E.; Blalack II, K. Lee
Cc: Balkenbush, Colby; Michael Killingsworth; TMH010; Pat Lundvall; Amanda Perach; Kristen T. Gallagher
Subject: RE: Pretrial Orders

Yes.

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Sent: Sunday, October 31, 2021 4:45 PM
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Subject: Re: Pretrial Orders

[EXTERNAL MESSAGE]

Dimitri,

We accept the revisions to the dropped claims order and the orders denying Defendants' MILs 1, 3, 5, 7, 11, and 13.

May we file those with your signature as well?

Thanks,
 Jason

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1 **CSERV**

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

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

CASE NO: A-19-792978-B

7 vs.

DEPT. NO. Department 27

8
9 United Healthcare Insurance
Company, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

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

Defendants

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

**NOTICE OF ENTRY OF ORDER
DENYING DEFENDANTS' MOTION IN
LIMINE NO. 8, OFFERED IN THE
ALTERNATIVE TO MIL NO. 7, TO
PRECLUDE PLAINTIFFS FROM
OFFERING EVIDENCE AS TO THE
QUALITATIVE VALUE, RELATIVE
VALUE, SOCIETAL VALUE, OR
DIFFICULTY OF THE SERVICES
THEY PROVIDED**

1 PLEASE TAKE NOTICE that an Order Denying Defendants' Motion In Limine No. 8,
2 Offered in the Alternative to MIL No. 7, to Preclude Plaintiffs from Offering Evidence as to the
3 Qualitative Value, Relative Value, Societal Value, or Difficulty of the Services They Provided
4 was entered on November 1, 2021, a copy of which is attached hereto.

5 DATED this 1st day of November, 2021.

6 McDONALD CARANO LLP

7 By: /s/ Kristen T. Gallagher

8 Pat Lundvall (NSBN 3761)

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16 *Attorneys for Plaintiffs Fremont Emergency*
17 *Services (Mandavia), Ltd., Team Physicians*
18 *of Nevada-Mandavia, P.C. & Crum, Stefanko*
19 *and Jones, Ltd. dba Ruby Crest Emergency Medicine*
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on this 1st day of November, 2021, I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER DENYING DEFENDANTS' MOTION IN LIMINE NO. 8, OFFERED IN THE ALTERNATIVE TO MIL NO. 7, TO PRECLUDE PLAINTIFFS FROM OFFERING EVIDENCE AS TO THE QUALITATIVE VALUE, RELATIVE VALUE, SOCIETAL VALUE, OR DIFFICULTY OF THE SERVICES THEY PROVIDED** to be served via this Court's Electronic Filing system in the above-captioned case, upon the following:

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DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

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

Defendants.

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

**ORDER DENYING DEFENDANTS'
MOTION IN LIMINE NO. 8, OFFERED
IN THE ALTERNATIVE TO MIL NO.
7, TO PRECLUDE PLAINTIFFS FROM
OFFERING EVIDENCE AS TO THE
QUALITATIVE VALUE, RELATIVE
VALUE, SOCIETAL VALUE, OR
DIFFICULTY OF THE SERVICES
THEY PROVIDED**

Hearing Date: October 22, 2021
Hearing Time: 10:00 a.m.

McDONALD CARANO

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

007127

007127

1 This matter came before the Court on October 22, 2021 on defendants UnitedHealthcare
 2 Insurance Company; United HealthCare Services, Inc.; UMR, Inc.; Sierra Health and Life
 3 Insurance Co., Inc.; and Health Plan of Nevada, Inc.'s (collectively, "United") Motion in Limine
 4 No. 8, Offered in the Alternative to MIL No. 7, to Preclude Plaintiffs from Offering Evidence as
 5 to the Qualitative Value, Relative Value, Societal Value, or Difficulty of the Services They
 6 Provided (the "Motion"). Pat Lundvall, Kristen T. Gallagher and Amanda M. Perach, McDonald
 7 Carano LLP; and John Zavitsanos, Joe Ahmad, Jane Robinson, Kevin Leyendecker and Jason
 8 McManis, Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing, P.C., appeared on behalf of
 9 plaintiffs Fremont Emergency Services (Mandavia), Ltd. ("Fremont"); Team Physicians of
 10 Nevada-Mandavia, P.C. ("Team Physicians"); Crum, Stefanko and Jones, Ltd. dba Ruby Crest
 11 Emergency Medicine ("Ruby Crest" and collectively the "Health Care Providers"). Colby
 12 Balkenbush, Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC; Lee Blalack and Dimitri Portnoi
 13 O'Melveny & Myers LLP; and Dan Polsenberg, Lewis Roca Rothgerber Christie LLP appeared
 14 on behalf of United.

15 The Court, having considered the Motion and the Health Care Providers' opposition, and
 16 the argument of counsel at the hearing on this matter, and good cause appearing, finds and orders
 17 as follows:

18 IT IS HEREBY ORDERED that the Motion is DENIED for the reasons stated on the
 19 record.

20 November 1, 2021

Dated this 1st day of November, 2021

Nancy L Allf

TW

C2B 12E 50B6 C72B
 Nancy Allf
 District Court Judge

821-400
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Submitted by:

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Attorneys for Defendants

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Cc: Balkenbush, Colby; Michael Killingsworth; TMH010; Pat Lundvall; Amanda Perach; Kristen T. Gallagher
Subject: RE: Pretrial Orders
Attachments: Defs' revisions to Pls' revised MILs (1, 3, 5, 7, 11, 13).zip; Order on Plaintiffs MIL Re Dropped Claims (Defendants' redline) (03374558x9C8C6).docx

Jason,

We are confirming that you may sign and submit the Orders denying Defendants' MILs 2, 4, 8, 10, 12, 14, 15, 20, 27. You may also sign and submit the Orders denying Defendants' MILs 18, 24, 29, 32, 38, and unnumbered Frantz, as well as the Order denying Defendants' Motion to Strike Leathers.

007131

007131

1 **CSERV**

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

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

CASE NO: A-19-792978-B

7 vs.

DEPT. NO. Department 27

8
9 United Healthcare Insurance
Company, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

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

Defendants

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

**NOTICE OF ENTRY OF ORDER
DENYING DEFENDANTS' MOTION IN
LIMINE NO. 10 TO EXCLUDE
EVIDENCE OF DEFENDANTS'
CORPORATE STRUCTURE
(ALTERNATIVE MOTION TO BE
CONSIDERED ONLY IF COURT
DENIES DEFENDANTS'
COUNTERPART MOTION IN LIMINE
NO. 9)**

007136

1 PLEASE TAKE NOTICE that an Order Denying Defendants' Motion in Limine No. 10
2 to Exclude Evidence of Defendants' Corporate Structure (Alternative Motion to be Considered
3 Only If Court Denies Defendants' Counterpart Motion in Limine No. 9) was entered on
4 November 1, 2021, a copy of which is attached hereto.

5 DATED this 1st day of November, 2021.

6 McDONALD CARANO LLP

7 By: /s/ Kristen T. Gallagher

8 Pat Lundvall (NSBN 3761)

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17 *Services (Mandavia), Ltd., Team Physicians*
18 *of Nevada-Mandavia, P.C. & Crum, Stefanko*
19 *and Jones, Ltd. dba Ruby Crest Emergency Medicine*
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on this 1st day of November, 2021, I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER DENYING DEFENDANTS' MOTION IN LIMINE NO. 10 TO EXCLUDE EVIDENCE OF DEFENDANTS' CORPORATE STRUCTURE (ALTERNATIVE MOTION TO BE CONSIDERED ONLY IF COURT DENIES DEFENDANTS' COUNTERPART MOTION IN LIMINE NO. 9)** to be served via this Court's Electronic Filing system in the above-captioned case, upon the following:

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Phillip N. Smith, Jr., Esq.
Marjan Hajimirzaee, Esq.
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/s/ Karen Surowiec

An employee of McDonald Carano LLP

Heather S. Lumin

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DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

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

Defendants.

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

**ORDER DENYING DEFENDANTS'
MOTION IN LIMINE NO. 10 TO
EXCLUDE EVIDENCE OF
DEFENDANTS' CORPORATE
STRUCTURE (ALTERNATIVE
MOTION TO BE CONSIDERED ONLY
IF COURT DENIES DEFENDANTS'
COUNTERPART MOTION IN LIMINE
NO. 9)**

Hearing Date: October 22, 2021
Hearing Time: 10:00 a.m.

This matter came before the Court on October 22, 2021 on defendants UnitedHealthcare Insurance Company; United HealthCare Services, Inc.; UMR, Inc.; Sierra Health and Life Insurance Co., Inc.; and Health Plan of Nevada, Inc.'s (collectively, "United") Motion in Limine No. 10 to Exclude Evidence of Defendants' Corporate Structure (Alternative Motion to be Considered Only If Court Denies Defendants' Counterpart Motion in Limine No. 9) (the "Motion"). Pat Lundvall, Kristen T. Gallagher and Amanda M. Perach, McDonald Carano LLP; and John Zavitsanos, Joe Ahmad, Jane Robinson, Kevin Leyendecker and Jason McManis, Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing, P.C., appeared on behalf of plaintiffs Fremont Emergency Services (Mandavia), Ltd. ("Fremont"); Team Physicians of Nevada-Mandavia, P.C. ("Team Physicians"); Crum, Stefanko and Jones, Ltd. dba Ruby Crest Emergency Medicine ("Ruby Crest" and collectively the "Health Care Providers"). Colby Balkenbush, Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC; Lee Blalack and Dimitri Portnoi O'Melveny & Myers LLP; and Dan Polsenberg, Lewis Roca Rothgerber Christie LLP appeared on behalf of United.

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

IT IS HEREBY ORDERED that the Motion is DENIED for the reasons stated on the record.

November 1, 2021

Dated this 1st day of November, 2021

Nancy L Alf

TW

18B 629 5F98 8E14
Nancy Alf
District Court Judge

McDONALD CARANO

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007140

Submitted by:

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Approved as to form and content:

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To: Jason McManis; Legendy, Philip E.; Blalack II, K. Lee
Cc: Balkenbush, Colby; Michael Killingsworth; TMH010; Pat Lundvall; Amanda Perach; Kristen T. Gallagher
Subject: RE: Pretrial Orders
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3 CLARK COUNTY, NEVADA

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

CASE NO: A-19-792978-B

7 vs.

DEPT. NO. Department 27

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9 United Healthcare Insurance
Company, Defendant(s)

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

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

Defendants

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

**NOTICE OF ENTRY OF ORDER
DENYING DEFENDANTS' MOTION IN
LIMINE NO. 11, PAIRED WITH
MOTION IN LIMINE NO. 12, TO
AUTHORIZE DEFENDANTS TO
DISCUSS PLAINTIFFS' CONDUCT
AND DELIBERATIONS IN
NEGOTIATING REIMBURSEMENT**

007148

1 PLEASE TAKE NOTICE that an Order Denying Defendants' Motion In Limine No. 11,
2 Paired With Motion In Limine No. 12, To Authorize Defendants To Discuss Plaintiffs' Conduct
3 And Deliberations In Negotiating Reimbursement was entered on November 1, 2021, a copy of
4 which is attached hereto.

5 DATED this 1st day of November, 2021.

6 McDONALD CARANO LLP

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8 By: /s/ Kristen T. Gallagher

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19 *Services (Mandavia), Ltd., Team Physicians*
20 *of Nevada-Mandavia, P.C. & Crum, Stefanko*
21 *and Jones, Ltd. dba Ruby Crest Emergency Medicine*
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on this 1st day of November, 2021, I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER DENYING DEFENDANTS' MOTION IN LIMINE NO. 11, PAIRED WITH MOTION IN LIMINE NO. 12, TO AUTHORIZE DEFENDANTS TO DISCUSS PLAINTIFFS' CONDUCT AND DELIBERATIONS IN NEGOTIATING REIMBURSEMENT** to be served via this Court's Electronic Filing system in the above-captioned case, upon the following:

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/s/ Marianne Carter

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DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

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

Defendants.

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

**ORDER DENYING DEFENDANTS'
MOTION IN LIMINE NO. 11, PAIRED
WITH MOTION IN LIMINE NO. 12,
TO AUTHORIZE DEFENDANTS TO
DISCUSS PLAINTIFFS' CONDUCT
AND DELIBERATIONS IN
NEGOTIATING REIMBURSEMENT**

Hearing Date: October 22, 2021
Hearing Time: 10:00 a.m.

This matter came before the Court on October 22, 2021 on defendants UnitedHealthcare Insurance Company; United HealthCare Services, Inc.; UMR, Inc.; Sierra Health and Life Insurance Co., Inc.; and Health Plan of Nevada, Inc.'s (collectively, "United") Motion in Limine No. 11, Paired with Motion in Limine No. 12, to Authorize Defendants to Discuss Plaintiffs' Conduct and Deliberations in Negotiating Reimbursement (the "Motion"). Pat Lundvall, Kristen T. Gallagher and Amanda M. Perach, McDonald Carano LLP; and John Zavitsanos, Joe Ahmad, Jane Robinson, Kevin Leyendecker and Jason McManis, Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing, P.C., appeared on behalf of plaintiffs Fremont Emergency Services (Mandavia), Ltd. ("Fremont"); Team Physicians of Nevada-Mandavia, P.C. ("Team Physicians"); Crum, Stefanko and Jones, Ltd. dba Ruby Crest Emergency Medicine ("Ruby Crest" and collectively the "Health Care Providers"). Colby Balkenbush, Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC; Lee Blalack and Dimitri Portnoi O'Melveny & Myers LLP; and Dan Polsenberg, Lewis Roca Rothgerber Christie LLP appeared on behalf of United.

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

IT IS HEREBY ORDERED that the Motion is DENIED for the reasons stated on the record. If Defendants believe evidence, argument, or testimony subject to this ruling is relevant and should be admitted, they shall make an offer of proof outside the presence of the jury.

November 1, 2021

Dated this 1st day of November, 2021

Nancy L Alf

TW

689 51A 3F16 OFF6
Nancy Alf
District Court Judge

Submitted by:

AHMAD, ZAVITSANOS, ANAIPAKOS,
ALAVI & MENSING, P.C.

/s/ Jason S. McManis

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Cc: Balkenbush, Colby; Michael Killingsworth; TMH010; Pat Lundvall; Amanda Perach; Kristen T. Gallagher
Subject: RE: Pretrial Orders

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Subject: Re: Pretrial Orders

[EXTERNAL MESSAGE]

Dimitri,

We accept the revisions to the dropped claims order and the orders denying Defendants' MILs 1, 3, 5, 7, 11, and 13.

May we file those with your signature as well?

Thanks,
Jason

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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

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

CASE NO: A-19-792978-B

8 vs.

DEPT. NO. Department 27

9 United Healthcare Insurance
10 Company, Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

12
13 This automated certificate of service was generated by the Eighth Judicial District
14 Court. The foregoing Order Denying was served via the court's electronic eFile system to all
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

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

Defendants

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

**NOTICE OF ENTRY OF ORDER
DENYING DEFENDANTS' MOTION IN
LIMINE NO. 13 MOTION TO
AUTHORIZE DEFENDANTS TO
OFFER EVIDENCE RELATING TO
PLAINTIFFS' COLLECTION
PRACTICES FOR HEALTHCARE
CLAIMS**

007160

1 PLEASE TAKE NOTICE that an Order Denying Defendants' Motion In Limine No. 13
2 Motion To Authorize Defendants To Offer Evidence Relating To Plaintiffs' Collection Practices
3 For Healthcare Claims was entered on November 1, 2021, a copy of which is attached hereto.

4 DATED this 1st day of November, 2021.

5 McDONALD CARANO LLP

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7 By: /s/ Kristen T. Gallagher

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20 *and Jones, Ltd. dba Ruby Crest Emergency Medicine*
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on this 1st day of November, 2021, I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER DENYING DEFENDANTS' MOTION IN LIMINE NO. 13 MOTION TO AUTHORIZE DEFENDANTS TO OFFER EVIDENCE RELATING TO PLAINTIFFS' COLLECTION PRACTICES FOR HEALTHCARE CLAIMS** to be served via this Court's Electronic Filing system in the above-captioned case, upon the following:

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DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

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

Defendants.

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

**ORDER DENYING DEFENDANTS'
MOTION IN LIMINE NO. 13: MOTION
TO AUTHORIZE DEFENDANTS TO
OFFER EVIDENCE RELATING TO
PLAINTIFFS' COLLECTION
PRACTICES FOR HEALTHCARE
CLAIMS**

Hearing Date: October 22, 2021
Hearing Time: 10:00 a.m.

This matter came before the Court on October 22, 2021 on defendants UnitedHealthcare Insurance Company; United HealthCare Services, Inc.; UMR, Inc.; Sierra Health and Life Insurance Co., Inc.; and Health Plan of Nevada, Inc.'s (collectively, "United") Motion in Limine No. 13: Motion to Authorize Defendants to Offer Evidence Relating to Plaintiffs' Collection Practices for Healthcare Claims (the "Motion"). Pat Lundvall, Kristen T. Gallagher and Amanda M. Perach, McDonald Carano LLP; and John Zavitsanos, Joe Ahmad, Jane Robinson, Kevin Leyendecker and Jason McManis, Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing, P.C., appeared on behalf of plaintiffs Fremont Emergency Services (Mandavia), Ltd. ("Fremont"); Team Physicians of Nevada-Mandavia, P.C. ("Team Physicians"); Crum, Stefanko and Jones, Ltd. dba Ruby Crest Emergency Medicine ("Ruby Crest" and collectively the "Health Care Providers"). Colby Balkenbush, Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC; Lee Blalack and Dimitri Portnoi O'Melveny & Myers LLP; and Dan Polsenberg, Lewis Roca Rothgerber Christie LLP appeared on behalf of United.

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

IT IS HEREBY ORDERED that the Motion is DENIED for the reasons stated on the record. If Defendants believe evidence, argument, or testimony subject to this ruling is relevant and should be admitted, they shall make an offer of proof outside the presence of the jury

November 1, 2021

Dated this 1st day of November, 2021

Nancy L Alif

TW

C3A EC1 8D01 B70F
Nancy Alif
District Court Judge

Submitted by:

AHMAD, ZAVITSANOS, ANAIPAKOS,
ALAVI & MENSING, P.C.

/s/ Jason S. McManis

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Sent: Sunday, October 31, 2021 5:09 PM
To: Jason McManis; Legendy, Philip E.; Blalack II, K. Lee
Cc: Balkenbush, Colby; Michael Killingsworth; TMH010; Pat Lundvall; Amanda Perach; Kristen T. Gallagher
Subject: RE: Pretrial Orders

Yes.

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Sent: Sunday, October 31, 2021 4:45 PM
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Cc: Balkenbush, Colby <CBalkenbush@wwhgd.com>; Michael Killingsworth <mkillingsworth@AZALAW.COM>; TMH010 <TMH010@azalaw.com>; Pat Lundvall <plundvall@mcdonaldcarano.com>; Amanda Perach <aperach@mcdonaldcarano.com>; Kristen T. Gallagher <kgallagher@mcdonaldcarano.com>
Subject: Re: Pretrial Orders

[EXTERNAL MESSAGE]

Dimitri,

We accept the revisions to the dropped claims order and the orders denying Defendants' MILs 1, 3, 5, 7, 11, and 13.

May we file those with your signature as well?

Thanks,
 Jason

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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

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

CASE NO: A-19-792978-B

8 vs.

DEPT. NO. Department 27

9 United Healthcare Insurance
10 Company, Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

12
13 This automated certificate of service was generated by the Eighth Judicial District
14 Court. The foregoing Order Denying was served via the court's electronic eFile system to all
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

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

Defendants

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

**NOTICE OF ENTRY OF ORDER
DENYING DEFENDANTS' MOTION IN
LIMINE NO. 14: MOTION OFFERED IN
THE ALTERNATIVE TO MIL NO. 13
TO PRECLUDE PLAINTIFFS FROM
CONTESTING DEFENDANTS'
DEFENSES RELATING TO CLAIMS
THAT WERE SUBJECT TO A
SETTLEMENT AGREEMENT
BETWEEN COLLECTRX AND DATA
ISIGHT; AND DEFENDANTS'
ADOPTION OF SPECIFIC
NEGOTIATION THRESHOLDS FOR
REIMBURSEMENT CLAIMS
APPEALED OR CONTESTED BY
PLAINTIFFS**

1 PLEASE TAKE NOTICE that an Order Denying Defendants' Motion in Limine No. 14:
2 Motion Offered in the Alternative to MIL No. 13 to Preclude Plaintiffs from Contesting
3 Defendants' Defenses Relating to Claims that Were Subject to a Settlement Agreement Between
4 CollectRX and Data iSight; and Defendants' Adoption of Specific Negotiation Thresholds for
5 Reimbursement Claims Appealed or Contested by Plaintiffs was entered on November 1, 2021,
6 a copy of which is attached hereto.

7 DATED this 1st day of November, 2021.

8 McDONALD CARANO LLP

9 By: /s/ Kristen T. Gallagher

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21 *and Jones, Ltd. dba Ruby Crest Emergency Medicine*
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on this 1st day of November, 2021, I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER DENYING DEFENDANTS' MOTION IN LIMINE NO. 14: MOTION OFFERED IN THE ALTERNATIVE TO MIL NO. 13 TO PRECLUDE PLAINTIFFS FROM CONTESTING DEFENDANTS' DEFENSES RELATING TO CLAIMS THAT WERE SUBJECT TO A SETTLEMENT AGREEMENT BETWEEN COLLECTRX AND DATA ISIGHT; AND DEFENDANTS' ADOPTION OF SPECIFIC NEGOTIATION THRESHOLDS FOR REIMBURSEMENT CLAIMS APPEALED OR CONTESTED BY PLAINTIFFS** to be served via this Court's Electronic Filing system in the above-captioned case, upon the following:

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DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

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

Defendants.

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

**ORDER DENYING DEFENDANTS'
MOTION IN LIMINE NO. 14: MOTION
OFFERED IN THE ALTERNATIVE TO
MIL NO. 13 TO PRECLUDE
PLAINTIFFS FROM CONTESTING
DEFENDANTS' DEFENSES
RELATING TO CLAIMS THAT WERE
SUBJECT TO A SETTLEMENT
AGREEMENT BETWEEN
COLLECTRX AND DATA ISIGHT;
AND DEFENDANTS' ADOPTION OF
SPECIFIC NEGOTIATION
THRESHOLDS FOR
REIMBURSEMENT CLAIMS
APPEALED OR CONTESTED BY
PLAINTIFFS**

Hearing Date: October 22, 2021
Hearing Time: 10:00 a.m.

This matter came before the Court on October 22, 2021 on defendants UnitedHealthcare Insurance Company; United HealthCare Services, Inc.; UMR, Inc.; Sierra Health and Life Insurance Co., Inc.; and Health Plan of Nevada, Inc.'s (collectively, "United") Motion in Limine No. 14: Motion Offered in the Alternative to MIL No. 13 to Preclude Plaintiffs from Contesting Defendants' Defenses Relating to Claims that Were Subject to a Settlement Agreement Between CollectRX and Data iSight; and Defendants' Adoption of Specific Negotiation Thresholds for Reimbursement Claims Appealed or Contested by Plaintiffs (the "Motion"). Pat Lundvall, Kristen T. Gallagher and Amanda M. Perach, McDonald Carano LLP; and John Zavitsanos, Joe Ahmad, Jane Robinson, Kevin Leyendecker and Jason McManis, Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing, P.C., appeared on behalf of plaintiffs Fremont Emergency Services (Mandavia), Ltd. ("Fremont"); Team Physicians of Nevada-Mandavia, P.C. ("Team Physicians"); Crum, Stefanko and Jones, Ltd. dba Ruby Crest Emergency Medicine ("Ruby Crest" and collectively the "Health Care Providers"). Colby Balkenbush, Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC; Lee Blalack and Dimitri Portnoi O'Melveny & Myers LLP; and Dan Polsenberg, Lewis Roca Rothgerber Christie LLP appeared on behalf of United.

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

IT IS HEREBY ORDERED that the Motion is DENIED for the reasons stated on the record.

November 1, 2021

Dated this 1st day of November, 2021

Nancy L Alif

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43B BFE 763B 6581
Nancy Alif
District Court Judge

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Cc: Balkenbush, Colby; Michael Killingsworth; TMH010; Pat Lundvall; Amanda Perach; Kristen T. Gallagher
Subject: RE: Pretrial Orders
Attachments: Defs' revisions to Pls' revised MILs (1, 3, 5, 7, 11, 13).zip; Order on Plaintiffs MIL Re Dropped Claims (Defendants' redline) (03374558x9C8C6).docx

Jason,

We are confirming that you may sign and submit the Orders denying Defendants' MILs 2, 4, 8, 10, 12, 14, 15, 20, 27. You may also sign and submit the Orders denying Defendants' MILs 18, 24, 29, 32, 38, and unnumbered Frantz, as well as the Order denying Defendants' Motion to Strike Leathers.

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1 **CSERV**

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

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

CASE NO: A-19-792978-B

7 vs.

DEPT. NO. Department 27

8
9 United Healthcare Insurance
Company, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

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

Defendants

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

**NOTICE OF ENTRY OF ORDER
DENYING DEFENDANTS' MOTION IN
LIMINE NO. 15 TO PRECLUDE
REFERENCE AND TESTIMONY
REGARDING THE TEAMHEALTH
PLAINTIFFS POLICY NOT TO
BALANCE BILL**

1 PLEASE TAKE NOTICE that an Order Denying Defendants' Motion in Limine No. 15
2 to Preclude Reference and Testimony Regarding the TeamHealth Plaintiffs' Policy Not to
3 Balance Bill was entered on November 1, 2021, a copy of which is attached hereto.

4 DATED this 1st day of November, 2021.

5 McDONALD CARANO LLP

6 By: /s/ Kristen T. Gallagher

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15 *and Jones, Ltd. dba Ruby Crest Emergency Medicine*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on this 1st day of November, 2021, I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER DENYING DEFENDANTS' MOTION IN LIMINE NO. 15 TO PRECLUDE REFERENCE AND TESTIMONY REGARDING THE TEAMHEALTH PLAINTIFFS POLICY NOT TO BALANCE BILL** to be served via this Court's Electronic Filing system in the above-captioned case, upon the following:

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DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

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

Defendants.

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

**ORDER DENYING DEFENDANTS'
MOTION IN LIMINE NO. 15 TO
PRECLUDE REFERENCE AND
TESTIMONY REGARDING THE
TEAMHEALTH PLAINTIFFS POLICY
NOT TO BALANCE BILL**

Hearing Date: October 22, 2021
Hearing Time: 10:00 a.m.

This matter came before the Court on October 22, 2021 on defendants UnitedHealthcare Insurance Company; United HealthCare Services, Inc.; UMR, Inc.; Sierra Health and Life Insurance Co., Inc.; and Health Plan of Nevada, Inc.'s (collectively, "United") Motion in Limine No. 15 to Preclude Reference and Testimony Regarding the TeamHealth Plaintiffs' Policy Not to Balance Bill (the "Motion"). Pat Lundvall, Kristen T. Gallagher and Amanda M. Perach, McDonald Carano LLP; and John Zavitsanos, Joe Ahmad, Jane Robinson, Kevin Leyendecker and Jason McManis, Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing, P.C., appeared on behalf of plaintiffs Fremont Emergency Services (Mandavia), Ltd. ("Fremont"); Team Physicians of Nevada-Mandavia, P.C. ("Team Physicians"); Crum, Stefanko and Jones, Ltd. dba Ruby Crest Emergency Medicine ("Ruby Crest" and collectively the "Health Care Providers"). Colby Balkenbush, Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC; Lee Blalack and Dimitri Portnoi O'Melveny & Myers LLP; and Dan Polsenberg, Lewis Roca Rothgerber Christie LLP appeared on behalf of United.

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

IT IS HEREBY ORDERED that the Motion is DENIED for the reasons stated on the record.

November 1, 2021

Dated this 1st day of November, 2021

Nancy L Allf

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Nancy Allf
District Court Judge

Submitted by:

Approved as to form and content:

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/s/ Dimitri Portnoi

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Cc: Balkenbush, Colby; Michael Killingsworth; TMH010; Pat Lundvall; Amanda Perach; Kristen T. Gallagher
Subject: RE: Pretrial Orders
Attachments: Defs' revisions to Pls' revised MILs (1, 3, 5, 7, 11, 13).zip; Order on Plaintiffs MIL Re Dropped Claims (Defendants' redline) (03374558x9C8C6).docx

Jason,

We are confirming that you may sign and submit the Orders denying Defendants' MILs 2, 4, 8, 10, 12, 14, 15, 20, 27. You may also sign and submit the Orders denying Defendants' MILs 18, 24, 29, 32, 38, and unnumbered Frantz, as well as the Order denying Defendants' Motion to Strike Leathers.

007191

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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

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

CASE NO: A-19-792978-B

8 vs.

DEPT. NO. Department 27

9 United Healthcare Insurance
10 Company, Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

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

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

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

Defendants

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

**NOTICE OF ENTRY OF ORDER
DENYING DEFENDANTS' MOTION IN
LIMINE NO. 18 TO PRECLUDE
TESTIMONY OF PLAINTIFFS' NON-
RETAINED EXPERT JOSEPH CRANE,
M.D.**

1 PLEASE TAKE NOTICE that an Order Denying Defendants' Motion In Limine No. 18
2 To Preclude Testimony Of Plaintiffs' Non-Retained Expert Joseph Crane, M.D. was entered on
3 November 1, 2021, a copy of which is attached hereto.

4 DATED this 1st day of November, 2021.

5 McDONALD CARANO LLP

6
7 By: /s/ Kristen T. Gallagher

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17 *Attorneys for Plaintiffs Fremont Emergency*
18 *Services (Mandavia), Ltd., Team Physicians*
19 *of Nevada-Mandavia, P.C. & Crum, Stefanko*
20 *and Jones, Ltd. dba Ruby Crest Emergency Medicine*
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on this 1st day of November, 2021, I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER DENYING DEFENDANTS' MOTION IN LIMINE NO. 18 TO PRECLUDE TESTIMONY OF PLAINTIFFS' NON-RETAINED EXPERT JOSEPH CRANE, M.D.** to be served via this Court's Electronic Filing system in the above-captioned case, upon the following:

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/s/ Marianne Carter

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DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

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

Defendants.

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

**ORDER DENYING DEFENDANTS'
MOTION IN LIMINE NO. 18 TO
PRECLUDE TESTIMONY OF
PLAINTIFFS' NON-RETAINED
EXPERT JOSEPH CRANE, M.D.**

Hearing Date: October 22, 2021
Hearing Time: 10:00 a.m.

This matter came before the Court on October 22, 2021 on defendants UnitedHealthcare Insurance Company; United HealthCare Services, Inc.; UMR, Inc.; Sierra Health and Life Insurance Co., Inc.; and Health Plan of Nevada, Inc.'s (collectively, "United") Motion in Limine No. 18 to Preclude Testimony of Plaintiffs' Non-Retained Expert Jospeh Crane, M.D. (the "Motion"). Pat Lundvall, Kristen T. Gallagher and Amanda M. Perach, McDonald Carano LLP; and John Zavitsanos, Joe Ahmad, Jane Robinson, Kevin Leyendecker and Jason McManis, Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing, P.C., appeared on behalf of plaintiffs Fremont Emergency Services (Mandavia), Ltd. ("Fremont"); Team Physicians of Nevada-Mandavia, P.C. ("Team Physicians"); Crum, Stefanko and Jones, Ltd. dba Ruby Crest Emergency Medicine ("Ruby Crest" and collectively the "Health Care Providers"). Colby Balkenbush, Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC; Lee Blalack and Dimitri Portnoi O'Melveny & Myers LLP; and Dan Polsenberg, Lewis Roca Rothgerber Christie LLP appeared on behalf of United.

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

IT IS HEREBY ORDERED that the Motion is DENIED for the reasons stated on the record.

November 1, 2021

Dated this 1st day of November, 2021

Nancy L Alif

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76A 396 407D C8E4
Nancy Alif
District Court Judge

McDONALD CARANO

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Submitted by:

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Cc: Balkenbush, Colby; Michael Killingsworth; TMH010; Pat Lundvall; Amanda Perach; Kristen T. Gallagher
Subject: RE: Pretrial Orders
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6 Fremont Emergency Services
(Mandavia) Ltd, Plaintiff(s)

CASE NO: A-19-792978-B

7 vs.

DEPT. NO. Department 27

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

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

Defendants

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

**NOTICE OF ENTRY OF ORDER
DENYING DEFENDANTS' MOTION IN
LIMINE NO. 20 TO EXCLUDE
DEFENDANTS' LOBBYING EFFORTS**

007208

1 PLEASE TAKE NOTICE that an Order Denying Defendants' Motion In Limine No. 20
2 To Exclude Defendants' Lobbying Efforts was entered on November 1, 2021, a copy of which is
3 attached hereto.

4 DATED this 1st day of November, 2021.

5 McDONALD CARANO LLP

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7 By: /s/ Kristen T. Gallagher

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on this 1st day of November, 2021, I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER DENYING DEFENDANTS' MOTION IN LIMINE NO. 20 TO EXCLUDE DEFENDANTS' LOBBYING EFFORTS** to be served via this Court's Electronic Filing system in the above-captioned case, upon the following:

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DISTRICT COURT

CLARK COUNTY, NEVADA

FREMONT EMERGENCY SERVICES
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NEVADA-MANDAVIA, P.C., a Nevada
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STEFANKO AND JONES, LTD. dba RUBY
CREST EMERGENCY MEDICINE, a
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Plaintiffs,

vs.

UNITED HEALTHCARE INSURANCE
COMPANY, a Connecticut corporation;
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MEDICAL RESOURCES, a Delaware
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INSURANCE COMPANY, INC., a Nevada
corporation; HEALTH PLAN OF NEVADA,
INC., a Nevada corporation,

Defendants.

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

**ORDER DENYING DEFENDANTS'
MOTION IN LIMINE NO. 20 TO
EXCLUDE DEFENDANTS'
LOBBYING EFFORTS**

Hearing Date: October 22, 2021
Hearing Time: 10:00 a.m.

McDONALD CARANO
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PHONE 702.873.4100 • FAX 702.873.9966

007211

007211

This matter came before the Court on October 22, 2021 on defendants UnitedHealthcare Insurance Company; United HealthCare Services, Inc.; UMR, Inc.; Sierra Health and Life Insurance Co., Inc.; and Health Plan of Nevada, Inc.'s (collectively, "United") Motion in Limine No. 20 to Preclude Defendants' Lobbying Efforts (the "Motion"). Pat Lundvall, Kristen T. Gallagher and Amanda M. Perach, McDonald Carano LLP; and John Zavitsanos, Joe Ahmad, Jane Robinson, Kevin Leyendecker and Jason McManis, Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing, P.C., appeared on behalf of plaintiffs Fremont Emergency Services (Mandavia), Ltd. ("Fremont"); Team Physicians of Nevada-Mandavia, P.C. ("Team Physicians"); Crum, Stefanko and Jones, Ltd. dba Ruby Crest Emergency Medicine ("Ruby Crest" and collectively the "Health Care Providers"). Colby Balkenbush, Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC; Lee Blalack and Dimitri Portnoi O'Melveny & Myers LLP; and Dan Polsenberg, Lewis Roca Rothgerber Christie LLP appeared on behalf of United.

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

IT IS HEREBY ORDERED that the Motion is DENIED for the reasons stated on the record.

November 1, 2021

Dated this 1st day of November, 2021

Nancy L Alif

TW

53A 669 23BE F9CE
Nancy Alif
District Court Judge

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007212

Submitted by:

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Marianne Carter

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Cc: Balkenbush, Colby; Michael Killingsworth; TMH010; Pat Lundvall; Amanda Perach; Kristen T. Gallagher
Subject: RE: Pretrial Orders
Attachments: Defs' revisions to Pls' revised MILs (1, 3, 5, 7, 11, 13).zip; Order on Plaintiffs MIL Re Dropped Claims (Defendants' redline) (03374558x9C8C6).docx

Jason,

We are confirming that you may sign and submit the Orders denying Defendants' MILs 2, 4, 8, 10, 12, 14, 15, 20, 27. You may also sign and submit the Orders denying Defendants' MILs 18, 24, 29, 32, 38, and unnumbered Frantz, as well as the Order denying Defendants' Motion to Strike Leathers.

007215

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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

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

CASE NO: A-19-792978-B

8 vs.

DEPT. NO. Department 27

9 United Healthcare Insurance
10 Company, Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

12
13 This automated certificate of service was generated by the Eighth Judicial District
14 Court. The foregoing Order Denying was served via the court's electronic eFile system to all
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

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

Defendants

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

**NOTICE OF ENTRY OF ORDER
DENYING DEFENDANTS' MOTION IN
LIMINE NO. 24 TO PRECLUDE
PLAINTIFFS FROM REFERRING TO
THEMSELVES AS HEALTHCARE
PROFESSIONALS**

007220

1 PLEASE TAKE NOTICE that an Order Denying Defendants' Motion In Limine No. 24
2 To Preclude Plaintiffs From Referring To Themselves As Healthcare Professionals was entered
3 on November 1, 2021, a copy of which is attached hereto.

4 DATED this 1st day of November, 2021.

5 McDONALD CARANO LLP

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7 By: /s/ Kristen T. Gallagher

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on this 1st day of November, 2021, I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER DENYING DEFENDANTS' MOTION IN LIMINE NO. 24 TO PRECLUDE PLAINTIFFS FROM REFERRING TO THEMSELVES AS HEALTHCARE PROFESSIONALS** to be served via this Court's Electronic Filing system in the above-captioned case, upon the following:

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DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

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

Defendants.

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

**ORDER DENYING DEFENDANTS'
MOTION IN LIMINE NO. 24 TO
PRECLUDE PLAINTIFFS FROM
REFERRING TO THEMSELVES AS
HEALTHCARE PROFESSIONALS**

Hearing Date: October 22, 2021
Hearing Time: 10:00 a.m.

This matter came before the Court on October 22, 2021 on defendants UnitedHealthcare Insurance Company; United HealthCare Services, Inc.; UMR, Inc.; Sierra Health and Life Insurance Co., Inc.; and Health Plan of Nevada, Inc.'s (collectively, "United") Motion in Limine No. 24 to Preclude Plaintiffs from Referring to Themselves as Healthcare Professionals (the "Motion"). Pat Lundvall, Kristen T. Gallagher and Amanda M. Perach, McDonald Carano LLP; and John Zavitsanos, Joe Ahmad, Jane Robinson, Kevin Leyendecker and Jason McManis, Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing, P.C., appeared on behalf of plaintiffs Fremont Emergency Services (Mandavia), Ltd. ("Fremont"); Team Physicians of Nevada-Mandavia, P.C. ("Team Physicians"); Crum, Stefanko and Jones, Ltd. dba Ruby Crest Emergency Medicine ("Ruby Crest" and collectively the "Health Care Providers"). Colby Balkenbush, Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC; Lee Blalack and Dimitri Portnoi O'Melveny & Myers LLP; and Dan Polsenberg, Lewis Roca Rothgerber Christie LLP appeared on behalf of United.

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

IT IS HEREBY ORDERED that the Motion is DENIED for the reasons stated on the record.

November 1, 2021

Dated this 1st day of November, 2021

Nancy L Alf

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9C8 3E6 FA89 D8E1
Nancy Alf
District Court Judge

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Approved as to form and content:

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Sent: Sunday, October 31, 2021 2:17 PM
To: Jason McManis; Legendy, Philip E.; Blalack II, K. Lee
Cc: Balkenbush, Colby; Michael Killingsworth; TMH010; Pat Lundvall; Amanda Perach; Kristen T. Gallagher
Subject: RE: Pretrial Orders
Attachments: Defs' revisions to Pls' revised MILs (1, 3, 5, 7, 11, 13).zip; Order on Plaintiffs MIL Re Dropped Claims (Defendants' redline) (03374558x9C8C6).docx

Jason,

We are confirming that you may sign and submit the Orders denying Defendants' MILs 2, 4, 8, 10, 12, 14, 15, 20, 27. You may also sign and submit the Orders denying Defendants' MILs 18, 24, 29, 32, 38, and unnumbered Frantz, as well as the Order denying Defendants' Motion to Strike Leathers.

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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

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

CASE NO: A-19-792978-B

8 vs.

DEPT. NO. Department 27

9 United Healthcare Insurance
10 Company, Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

12
13 This automated certificate of service was generated by the Eighth Judicial District
14 Court. The foregoing Order Denying was served via the court's electronic eFile system to all
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

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

Defendants

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

**NOTICE OF ENTRY OF ORDER
DENYING DEFENDANTS' MOTION IN
LIMINE NO. 27 TO PRECLUDE
EVIDENCE OF COMPLAINTS
REGARDING DEFENDANTS' OUT-OF-
NETWORK RATES OR PAYMENTS**

007232

1 PLEASE TAKE NOTICE that an Order Denying Defendants' Motion in Limine No. 27
2 to Preclude Evidence of Complaints Regarding Defendants' Out-Of-Network Rates or Payments
3 was entered on November 1, 2021, a copy of which is attached hereto.

4 DATED this 1st day of November, 2021.

5 McDONALD CARANO LLP

6 By: /s/ Kristen T. Gallagher

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13 *Services (Mandavia), Ltd., Team Physicians*
14 *of Nevada-Mandavia, P.C. & Crum, Stefanko*
15 *and Jones, Ltd. dba Ruby Crest Emergency Medicine*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on this 1st day of November, 2021, I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER DENYING DEFENDANTS' MOTION IN LIMINE NO. 27 TO PRECLUDE EVIDENCE OF COMPLAINTS REGARDING DEFENDANTS' OUT-OF-NETWORK RATES OR PAYMENTS** to be served via this Court's Electronic Filing system in the above-captioned case, upon the following:

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DISTRICT COURT

CLARK COUNTY, NEVADA

FREMONT EMERGENCY SERVICES
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Plaintiffs,

vs.

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COMPANY, a Connecticut corporation;
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INSURANCE COMPANY, INC., a Nevada
corporation; HEALTH PLAN OF NEVADA,
INC., a Nevada corporation,

Defendants.

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

**ORDER DENYING DEFENDANTS'
MOTION IN LIMINE NO. 27 TO
PRECLUDE EVIDENCE OF
COMPLAINTS REGARDING
DEFENDANTS' OUT-OF-NETWORK
RATES OR PAYMENTS**

Hearing Date: October 22, 2021
Hearing Time: 10:00 a.m.

This matter came before the Court on October 22, 2021 on defendants UnitedHealthcare Insurance Company; United HealthCare Services, Inc.; UMR, Inc.; Sierra Health and Life Insurance Co., Inc.; and Health Plan of Nevada, Inc.'s (collectively, "United") Motion in Limine No. 27 to Preclude Evidence of Complaints Regarding Defendants' Out-Of-Network Rates or Payments (the "Motion"). Pat Lundvall, Kristen T. Gallagher and Amanda M. Perach, McDonald Carano LLP; and John Zavitsanos, Joe Ahmad, Jane Robinson, Kevin Leyendecker and Jason McManis, Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing, P.C., appeared on behalf of plaintiffs Fremont Emergency Services (Mandavia), Ltd. ("Fremont"); Team Physicians of Nevada-Mandavia, P.C. ("Team Physicians"); Crum, Stefanko and Jones, Ltd. dba Ruby Crest Emergency Medicine ("Ruby Crest" and collectively the "Health Care Providers"). Colby Balkenbush, Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC; Lee Blalack and Dimitri Portnoi O'Melveny & Myers LLP; and Dan Polsenberg, Lewis Roca Rothgerber Christie LLP appeared on behalf of United.

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

IT IS HEREBY ORDERED that the Motion is DENIED for the reasons stated on the record.

November 1, 2021

Dated this 1st day of November, 2021

Nancy L Allf

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Nancy Allf
District Court Judge

Submitted by:

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Marianne Carter

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Sent: Sunday, October 31, 2021 2:17 PM
To: Jason McManis; Legendy, Philip E.; Blalack II, K. Lee
Cc: Balkenbush, Colby; Michael Killingsworth; TMH010; Pat Lundvall; Amanda Perach; Kristen T. Gallagher
Subject: RE: Pretrial Orders
Attachments: Defs' revisions to Pls' revised MILs (1, 3, 5, 7, 11, 13).zip; Order on Plaintiffs MIL Re Dropped Claims (Defendants' redline) (03374558x9C8C6).docx

Jason,

We are confirming that you may sign and submit the Orders denying Defendants' MILs 2, 4, 8, 10, 12, 14, 15, 20, 27. You may also sign and submit the Orders denying Defendants' MILs 18, 24, 29, 32, 38, and unnumbered Frantz, as well as the Order denying Defendants' Motion to Strike Leathers.

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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

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

CASE NO: A-19-792978-B

8 vs.

DEPT. NO. Department 27

9 United Healthcare Insurance
10 Company, Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

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

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

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

Defendants

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

**NOTICE OF ENTRY OF ORDER
DENYING DEFENDANTS' MOTION IN
LIMINE NO. 29 TO PRECLUDE
EVIDENCE ONLY RELATING TO
DEFENDANTS' EVALUATION AND
DEVELOPMENT OF A COMPANY
THAT WOULD OFFER A SERVICE
SIMILAR TO MULTIPLAN AND DATA
ISIGHT**

1 PLEASE TAKE NOTICE that an Order Denying Defendants' Motion In Limine No. 29
2 To Preclude Evidence Only Relating To Defendants' Evaluation And Development Of A
3 Company That Would Offer A Service Similar To Multiplan And Data Isight was entered on
4 November 1, 2021, a copy of which is attached hereto.

5 DATED this 1st day of November, 2021.

6 McDONALD CARANO LLP

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8 By: /s/ Kristen T. Gallagher

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19 *Services (Mandavia), Ltd., Team Physicians*
20 *of Nevada-Mandavia, P.C. & Crum, Stefanko*
21 *and Jones, Ltd. dba Ruby Crest Emergency Medicine*
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on this 1st day of November, 2021, I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER DENYING DEFENDANTS' MOTION IN LIMINE NO. 29 TO PRECLUDE EVIDENCE ONLY RELATING TO DEFENDANTS' EVALUATION AND DEVELOPMENT OF A COMPANY THAT WOULD OFFER A SERVICE SIMILAR TO MULTIPLAN AND DATA ISIGHT** to be served via this Court's Electronic Filing system in the above-captioned case, upon the following:

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DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

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

Defendants.

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

**ORDER DENYING DEFENDANTS'
MOTION IN LIMINE NO. 29 TO
PRECLUDE EVIDENCE ONLY
RELATING TO DEFENDANTS'
EVALUATION AND DEVELOPMENT
OF A COMPANY THAT WOULD
OFFER A SERVICE SIMILAR TO
MULTIPLAN AND DATA ISIGHT**

Hearing Date: October 22, 2021
Hearing Time: 10:00 a.m.

This matter came before the Court on October 22, 2021 on defendants UnitedHealthcare Insurance Company; United HealthCare Services, Inc.; UMR, Inc.; Sierra Health and Life Insurance Co., Inc.; and Health Plan of Nevada, Inc.'s (collectively, "United") Motion in Limine No. 29 to Preclude Evidence Only Relating to Defendants' Evaluation and Development of a Company that Would Offer a Service Similar to Multiplan and Data iSight (the "Motion"). Pat Lundvall, Kristen T. Gallagher and Amanda M. Perach, McDonald Carano LLP; and John Zavitsanos, Joe Ahmad, Jane Robinson, Kevin Leyendecker and Jason McManis, Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing, P.C., appeared on behalf of plaintiffs Fremont Emergency Services (Mandavia), Ltd. ("Fremont"); Team Physicians of Nevada-Mandavia, P.C. ("Team Physicians"); Crum, Stefanko and Jones, Ltd. dba Ruby Crest Emergency Medicine ("Ruby Crest" and collectively the "Health Care Providers"). Colby Balkenbush, Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC; Lee Blalack and Dimitri Portnoi O'Melveny & Myers LLP; and Dan Polsenberg, Lewis Roca Rothgerber Christie LLP appeared on behalf of United.

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

IT IS HEREBY ORDERED that the Motion is DENIED.

November 1, 2021

Dated this 1st day of November, 2021



TW

81A 889 A30A 805E
Nancy Alf
District Court Judge

Submitted by:

AHMAD, ZAVITSANOS, ANAIPAKOS,
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