

IN THE SUPREME COURT OF THE STATE OF NEVADA

UNITED HEALTHCARE INSURANCE COMPANY, A CONNECTICUT CORPORATION; UNITED HEALTHCARE SERVICES, INC., D/B/A UNITEDHEALTHCARE, A MINNESOTA CORPORATION; UMR, INC., D/B/A UNITED MEDICAL RESOURCES, A DELAWARE CORPORATION; SIERRA HEALTH AND LIFE INSURANCE COMPANY, INC., A NEVADA CORPORATION; AND HEALTH PLAN OF NEVADA, INC., A NEVADA CORPORATION,

Appellants,

vs.

FREMONT EMERGENCY SERVICES (MANDAVIA), LTD., A NEVADA PROFESSIONAL CORPORATION; TEAM PHYSICIANS OF NEVADA-MANDAVIA, P.C., A NEVADA PROFESSIONAL CORPORATION; CRUM STEFANKO AND JONES, LTD., D/B/A RUBY CREST EMERGENCY MEDICINE, A NEVADA PROFESSIONAL CORPORATION,

Respondents.

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,

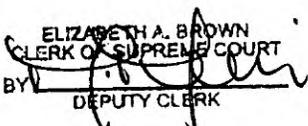
vs.

THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK; AND THE HONORABLE

No. 85525

FILED

MAY 15 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

No. 85656

NANCY L. ALLF, DISTRICT JUDGE,
Respondents,
and
FREMONT EMERGENCY SERVICES
(MANDAVIA), LTD.; TEAM
PHYSICIANS OF NEVADA-
MANDAVIA, P.C.; AND CRUM
STEFANKO AND JONES, LTD.,
Real Parties in Interest.

ORDER GRANTING MOTIONS

Nevada Association of Health Plans (NVAHP) has filed a motion for leave to file an amicus brief in support of appellants and petitioners. NVAHP contends that it is able to provide information and context for the legal issues in this appeal, specifically with respect to the issue of out-of-network emergency medicine provider reimbursement and the ramifications this appeal could have on future litigation involving NVAHP's members. Amicus intervention is appropriate where "the amicus has an interest in some other case that may be affected by the decision in the present case (though not enough affected to entitle the amicus to intervene and become a party in the present case), or when the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide." *Ryan v. Commodity Futures Trading Comm'n*, 125 F.3d 1062, 1063 (7th Cir. 1997); see also *Miller- Wohl Co. v. Comm'r of Labor & Indus.*, 694 F.2d 203, 204 (9th Cir. 1982) (indicating that the classic role of an amicus curiae is to assist in cases of general public interest and to supplement the efforts of counsel by drawing the Court's attention to law that may have escaped consideration). No opposition has been filed.

Cause appearing, the motion is granted. The clerk of this court shall detach the proposed amicus brief from the motion and shall file it separately.

Pursuant to the notice of appearance filed on April 28, 2023, the clerk of this court shall add attorney Richard I. Dreitzer and the law firm of Fennemore Craig, PC, to the docket as counsel for respondents and real parties in interest Fremont Emergency Services (Mandavia), Ltd.; Team Physicians of Nevada-Mandavia, P.C.; and Crum, Stefanko and Jones, Ltd. dba Ruby Crest Emergency Medicine.

Appellants and petitioners have also filed a motion to associate attorney Jonathan D. Hacker of O'Melveny & Myers LLP in this matter pursuant to SCR 42. Attached to the motion to associate Mr. Hacker is a verified application, certificates of good standing from the District of Columbia Court of Appeals, and the Supreme Court of Maryland, and a Supreme Court Rule 42 statement. The Rule 42 statement of the State Bar of Nevada indicates that Mr. Hacker has not applied to appear in Nevada courts within the last three years. *See* SCR 42(6) (repeated appearances by any person or firm pursuant to this rule shall be cause for denial of a motion).

Cause appearing, the motion is granted. Mr. Hacker shall be permitted to appear on behalf of appellants and petitioners in these matters. Nevada attorney Abraham G. Smith of the law firm of Lewis Roca Rothgerber Christie LLP shall be responsible for all matters presented by Mr. Hacker. *See* SCR 42(14) (the active member of the State Bar of Nevada who is attorney of record shall be present at all matters in open court); and NRAP 25(a)(5) (all documents submitted to the supreme court for filing by

a represented party shall include the original signature of at least one attorney of record who is an active member of the State Bar of Nevada).

The parties' stipulation extending the time for filing the answering brief is treated and granted as a joint motion for an extension of time. See NRAP 31(b)(2) (parties may stipulate to one 30-day extension of time from due date established by NRAP 31(a)(1)). Respondents and real parties in interest shall have until August 28, 2023, to file and serve the answering brief. No further extensions shall be permitted absent extraordinary circumstances and extreme need. *Id.* Counsel's caseload normally will not be deemed such a circumstance. *Cf. Varnum v. Grady*, 90 Nev. 374, 528 P.2d 1027 (1974). Failure to timely file the answering brief may result in the imposition of sanctions, including the resolution of these matters without an answering brief. See NRAP 31(d).

It is so ORDERED.

Stiglin

_____, C.J.

cc: Lewis Roca Rothgerber Christie LLP/Las Vegas
O'Melveny & Myers LLP/Los Angeles
Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC/Las Vegas
O'Melveny & Myers LLP/Wash DC
O'Melveny & Myers LLP/New York
McDonald Carano LLP/Las Vegas
Lash & Goldberg LLP/Ft. Lauderdale
Bailey Kennedy
Ahmad, Zavitsanos, & Mensing, PLLC/Houston
Holland & Hart LLP/Las Vegas
Fennemore Craig, PC