

CASE NO. 85525; combined with CASE NO. 85656

IN THE SUPREME COURT OF NEVADA

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

Appellants/Petitioners,

vs.

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

Respondents/Real Parties in Interest.

Appeal from the Eighth Judicial District Court, Clark County
District Court Case No. A-19-792978
Hon. Nancy L. Allf, District Judge

RESPONDENTS' MOTION TO REDACT ANSWERING BRIEF AND FILE UNDER SEAL PORTIONS OF THE APPENDIX TO ANSWERING BRIEF

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Pursuant to NRAP 27 and Rule 3(1) of the Nevada Rules for Sealing and Redacting Court Records (“SRCR”), the Health Care Providers¹ move this Court for an order allowing them to (i) redact their Answering Brief at pages 15-18, 47, 88, and 105; and (ii) file under seal Exhibits 11 (2 RA² 244-67), 17 (3 RA 374-496), 20 (4 RA 516-18), 24 (4 RA 526-35), 28 (4 RA 542-53), 31 (5 RA 723-54), 34 (5 RA 770-95), 40 (10 RA 1764), 41 (10 RA 1765-75), 42 (10 RA 1776-77), 43 (11 RA 1778-984), 45 (11 RA 1988), 46 (11 RA 1989-92), 47 (12 RA 1993-2035), 49 (12 RA 2043-54), 50 (12 RA 2055-58), 51 (12 RA 2059-62), 53 (12 RA 2066-184), 54 (12 RA 2185-89), 55 (12 RA 2190-216), 56 (13 RA 2217-50), 57 (13 RA 2251), 58 (13 RA 2252), 61 (13 RA 2368), and 64 (13 RA 2397) contained in the Appendix to the Answering Brief.

The above-identified pages of the Health Care Providers’ Answering Brief

¹ Respondents/Real Parties in Interest Fremont Emergency Services (Mandavia), Ltd., Team Physicians of Nevada-Mandavia, P.C., and Crum, Stefanko & Jones, Ltd. d/b/a Ruby Crest Emergency Physicians are collectively referred to herein as the “Health Care Providers.”

² Appellants/Petitioners United Healthcare Insurance Company, United Healthcare Services, Inc. d/b/a UnitedHealthcare, UMR, Inc. d/b/a United Medical Resources, Sierra Health and Life Insurance Company, Inc., and Health Plan of Nevada, Inc. are collectively referred to herein as “United.”

“PA” refers to United’s appendix filed in connection with its mandamus petition (Case No. 85656). “RA” refers to the Health Care Providers’ appendix filed in connection with their Answering Brief. The number(s) succeeding PA or RA refers to the page number(s), and, if applicable, the line number(s).

contain information that was disclosed to the district court under the terms of a protective order.³ Such information includes numerical figures offered in negotiations over rates of reimbursement for emergency medical services, which were designated as confidential and/or attorneys' eyes only (AEO) pursuant to the protective order. Accordingly, the Health Care Providers respectfully request permission to file their unredacted Answering Brief under seal and to redact those portions of their Answering Brief in the public filing to comply with the terms of the protective order. *See* SRCR 3(4)(b).⁴

The above-identified exhibits contained in the Appendix to the Health Care Providers' Answering Brief were filed under seal in the district court pursuant to a protective order⁵ and are subject to this Court's order staying unsealing.⁶ Subject to further Order of this Court, such exhibits must remain under seal. *See* SRCR 7. Accordingly, the Health Care Providers respectfully request permission to file under seal Exhibits 11, 17, 20, 24, 28, 31, 34, 40-43, 45-47, 49-51, 53-58, 61, and 64 of the Appendix to their Answering Brief. *See* SRCR 3(4)(b), 7.

³ 1 PA 1-24.

⁴ The redacted version of the Health Care Providers' Answering Brief is attached hereto as "Exhibit A."

⁵ 15 PA 3660-16 PA 3806.

⁶ Order Regarding Motions, No. 23-07750, at 2 (Mar. 14, 2023).

CONCLUSION

For all the foregoing reasons, the Health Care Providers respectfully request that this Court grant this motion and allow the Health Care Providers to redact portions of their Answering Brief and file under seal Exhibits 11, 17, 20, 24, 28, 31, 34, 40-43, 45-47, 49-51, 53-58, 61, and 64 of the Appendix to their Answering Brief.

DATED this 28th day of August, 2023.

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CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY ❖ KENNEDY and that on the 28th day of August, 2023, service of the foregoing **RESPONDENTS' MOTION TO REDACT ANSWERING BRIEF AND FILE UNDER SEAL PORTIONS OF THE APPENDIX TO ANSWERING BRIEF** was made by electronic service through Nevada Supreme Court's electronic filing system and/or by depositing a true and correct copy in the U.S. Mail, first class postage prepaid, and addressed to the following at their last known address:

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