

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

UNITED HEALTHCARE  
INSURANCE COMPANY; UNITED  
HEALTH CARE SERVICES, INC.;  
UMR, INC.; SIERRA HEALTH AND  
LIFE INSURANCE COMPANY,  
INC.; and HEALTH PLAN OF  
NEVADA, INC.,

Appellants,

vs.

FREMONT EMERGENCY  
SERVICES (MANDAVIA), LTD.;  
TEAM PHYSICIANS OF NEVADA-  
MANDAVIA, P.C.; and CRUM  
STEFANKO AND JONES, LTD.,

Respondents.

Case No. 85525      Electronically Filed  
Sep 19 2023 03:22 PM  
Elizabeth A. Brown  
Clerk of Supreme Court  
Appeal from the Eighth Judicial  
District Court, Case No.: A-19-  
792978-B; Dept. No.: 27

**EMERGENCY DEPARTMENT PRACTICE MANAGEMENT  
ASSOCIATION’S MOTION FOR LEAVE TO FILE AMICUS CURIAE  
BRIEF**

(In support of Respondents’ Answering Brief)

The Emergency Department Practice Management Association (EDPMA), a proposed *amicus curiae*, files this motion seeking leave of this Court to file a proposed amicus curiae brief, attached hereto as **Exhibit 1**, in support of Respondents’ Answering Brief. This motion is made pursuant to NRAP 29(c) and is based upon the following:

Amicus intervention is appropriate where “the amicus has an interest in some other case that may be affected by the decision in the present case (though not

enough affected to entitle the amicus to intervene and become a party in the present case), or when the amicus has unique information or perspective that can help the Court beyond the help that the lawyers for the parties are able to provide.” *Ryan v. Commodity Futures Trading Comm’n*, 125 F.3d 1062, 1063 (7th Cir. 1997); *see also Miller- Wohl Co. v. Comm’r of Labor & Indus.*, 694 F.2d 203, 204 (9th Cir. 1982) (indicating that the classic role of an amicus curiae is to assist in cases of general public interest and to supplement the efforts of counsel by drawing the Court’s attention to law that may have escaped consideration).

This Court should consider EDPMA’s perspective in this litigation because EDPMA “is the nation’s only professional physician trade association focused on the delivery of high-quality, cost-effective care in the emergency department. EDPMA’s membership includes emergency medicine physician groups of all sizes and ownership models, as well as billing, coding, and other professional support organizations that assist healthcare providers in our nation’s emergency departments.”<sup>1</sup>

EDPMA’s mission “is to advocate for Emergency Department physician groups and their business partners to enhance quality patient care through operational excellence and financial stability.” *Id.* EDPMA serves as the voice of

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<sup>1</sup> See, EDPMA’s webpage “About” Section at: <https://edpma.org/about-edpma/>

its professional physician members “before Congress, CMS, State-level decision makers, and private payers on Medicare and Medicaid Reimbursement, Quality Reporting, Documentation Requirements, Provider Enrollment, and more.” *Id.*

The underlying case raises the critically important issue of out-of-network emergency medicine provider reimbursement, and the ramifications of this appeal could foreseeably impact future decisions in potential litigation involving EDPMA’s members with respect to provider reimbursement of a similar nature. As such, EDPMA is interested in the outcome of this matter, and the information and research provided in its proposed amicus brief provides important and helpful information regarding this issue.

The physician members that EDPMA represents are directly impacted by this issue. They are the ones on the front lines providing lifesaving emergency care for the insurance company’s members, and they are entitled to be paid a reasonable amount for this work. Where that right for reasonable reimbursement is egregiously infringed, as was the case here, the standing and right of these physicians to seek legal redress from the responsible insurance companies is of paramount importance.

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Accordingly, EDPMA respectfully requests that this Court grant this motion for leave to file its proposed amicus curiae brief in support of Respondents' Answering Brief.

DATED this 19<sup>th</sup> day of September, 2023.

**CARBAJAL LAW**

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**Counsel for *Amicus Curiae*  
Emergency Department Practice  
Management Association**

*\*Counsel will comply with or submit his pro hac vice application pursuant to LR IA 11-2 within 14 days*

### **CERTIFICATE OF SERVICE**

Pursuant to Nevada Rule of Appellate Procedure 25(b), I hereby certify that on the 19th day of September, 2023, a true and correct copy of the **EMERGENCY DEPARTMENT PRACTICE MANAGEMENT ASSOCIATION'S MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF** was served by electronic means on all persons registered for service in the Court's Electronic Filing system.

/s/ Brittany Friedman  
An employee of Carbajal Law