

IN THE SUPREME COURT OF THE STATE OF NEVADA

COMMISSIONER OF INSURANCE  
FOR THE STATE OF NEVADA AS  
RECEIVER OF LEWIS AND CLARK  
LTC RISK RETENTION GROUP,  
INC.

Appellant,

vs.

ROBERT CHUR; STEVE FOGG;  
MARK GARBER; CAROL HARTER;  
ROBERT HURLBUT; BARBARA  
LUMPKIN; JEFF MARSHALL; AND  
ERIC STICKELS

Respondents.

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ROBERT CHUR; STEVE FOGG;  
MARK GARBER; CAROL HARTER;  
ROBERT HURLBUT; BARBARA  
LUMPKIN; JEFF MARSHALL; AND  
ERIC STICKELS,

Appellants,

vs.

COMMISSIONER OF INSURANCE FOR  
THE STATE OF NEVADA AS  
RECEIVER OF LEWIS AND CLARK  
LTC RISK RETENTION GROUP, INC.

Respondents.

Supreme Court Case No. 85668

District Court Case No. A711535

Electronically Filed

ROBERT CHUR, STEVE FOGG,  
MARK GARBER, CAROL HARTER, ROBERT  
HURLBUT, BARBARA LUMPKIN, JEFF  
MARSHALL AND ERIC STICKELS' APPENDIX OF  
EXHIBITS IN SUPPORT OF  
THE REPLY TO THE  
APPELLANT'S RESPONSE  
TO THE ORDER TO SHOW  
CAUSE FILED IN CASE  
85668 ON MAY 10, 2023

Supreme Court No. 85728

COMMISSIONER OF INSURANCE FOR  
THE STATE OF NEVADA AS  
RECEIVER OF LEWIS AND CLARK  
LTC RISK RETENTION GROUP, INC.

Appellant,

vs.

ROBERT CHUR; STEVE FOGG;  
MARK GARBER; CAROL HARTER;  
ROBERT HURLBUT; BARBARA  
LUMPKIN; JEFF MARSHALL; AND  
ERIC STICKELS; UNI-TER  
UNDERWRITING MANAGEMENT  
CORP.; UNI-TER CLAIMS SERVICES  
CORP.; AND U.S. RE CORPORATION

Respondents.

Supreme Court No. 85907

Respondents/Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall and Eric Stickels (collectively “Directors”), hereby respectfully submit their Appendix of Exhibits in Support of the Reply to the Appellant’s Response to the Order to Show Cause Filed in Case 85668 on May 10, 2023.

**TABLE OF CONTENTS**

Exhibit	Exhibit Description	Bates Nos.
A	Notice of Appeal dated December 30, 2022	1-4
B	Docket as of July 7, 2023	5-36
C	US Re’s Motion to Dismiss and Enforce Settlement Agreement	37-44

D	Plaintiff's Opposition to the Motion to Dismiss and Enforce Settlement Agreement	45-51
E	US Re's Reply in Support of the Motion to Dismiss and Enforce Settlement Agreement	52-59
F	Transcript from June 8, 2023 hearing	60-70
G	Motion to Vacate Order Denying Motions for Reconsideration	71-135

Dated this 7<sup>th</sup> day of July, 2023.

LIPSON NEILSON P.C.

By: /s/ Angela Ochoa  
JOSEPH P. GARIN, ESQ.  
Nevada Bar No. 6653  
ANGELA N. OCHOA, ESQ.  
Nevada Bar No. 10164  
9900 Covington Cross Drive, Suite 120  
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*Attorneys for Defendants/Respondents  
Robert Chur, Steve Fogg, Mark Garber, Carol  
Harter, Robert Hurlbut, Barbara Lumpkin, Jeff  
Marshall and Eric Stickels*

## **CERTIFICATE OF SERVICE**

Pursuant to NRAP 25, I certify that I am an employee of LIPSON NEILSON P.C. and that on the 7<sup>th</sup> day of July, 2023, a true and correct copy of the foregoing **RESPONDENTS ROBERT CHUR, STEVE FOGG, MARK GARBER, CAROL HARTER, ROBERT HURLBUT, BARBARA LUMPKIN, JEFF MARSHALL AND ERIC STICKELS' APPENDIX OF EXHIBITS IN SUPPORT OF THE REPLY TO THE APPELLANT'S RESPONSE TO THE ORDER TO SHOW CAUSE FILED IN CASE 85668 ON MAY 10, 2023** was filed and served electronically with the Clerk of the Nevada Supreme Court in accordance with the master service list as follows:

Brenoch R. Wirthlin, Esq.  
Hutchison & Steffen, PLLC  
10080 W. Alta Drive, Ste. 200  
Las Vegas, NV 89145

Attorneys for Appellant  
Commissioner of Insurance for the State of Nevada as  
Receiver of Lewis & Clark LTC Risk Retention Group, Inc.

And by United States First Class Mail, in a properly addressed envelope with adequate postage affixed thereon, addressed as follows:

Jon M. Wilson, Esq.  
Law Offices of Jon Wilson  
4712 Admiralty Way, Unit 361  
Marina Del Rey, CA 90292

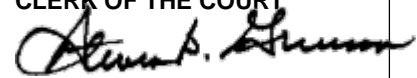
Kimberley Freedman, Esq.  
Erin Kolmansberger, Esq.  
2 South Biscayne Boulevard  
Miami, FL 33131

/s/ Juan Cerezo

An employee of Lipson Neilson P.C.

**EXHIBIT “A”**

**EXHIBIT “A”**



Electronically Filed  
Jan 04 2023 08:54 AM  
Elizabeth A. Brown  
Clerk of Supreme Court

**NOAS**  
MARK A. HUTCHISON, ESQ. (4639)  
BRENOCH R. WIRTHLIN, ESQ. (10282)  
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E-Mail: [bwirthlin@hutchlegal.com](mailto:bwirthlin@hutchlegal.com)  
*Attorneys for Plaintiff*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

COMMISSIONER OF INSURANCE FOR  
THE STATE OF NEVADA AS RECEIVER OF  
LEWIS AND CLARK LTC RISK  
RETENTION GROUP, INC.,

Case No.: A-14-711535-C

Dept. No.: XXVII

Plaintiff,

vs.

**NOTICE OF APPEAL**

ROBERT CHUR, STEVE FOGG, MARK  
GARBER, CAROL HARTER, ROBERT  
HURLBUT, BARBARA LUMPKIN, JEFF  
MARSHALL, ERIC STICKELS, UNI-TER  
UNDERWRITING MANAGEMENT CORP.,  
UNI-TER CLAIMS SERVICES CORP., and  
U.S. RE CORPORATION,; DOES 1-50,  
inclusive; and ROES 51-100, inclusive;

Defendants.

Notice is hereby given that Plaintiff, Commissioner of Insurance for the State of Nevada as  
Receiver of Lewis and Clark LTC Risk Retention Group, Inc. ("Plaintiff" or the "Receiver"), by and  
through her counsel of record, the law firm of Hutchison & Steffen, PLLC, hereby appeals to the

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1 Supreme Court of Nevada from the following: (1) Order Granting Attorney Fees and Costs, served  
2 and notice of entry of order served on December 2, 2022.

3 Dated this 30<sup>th</sup> day of December, 2022.

4 By: /s/ Brenoch Wirthlin  
5 MARK A. HUTCHISON, ESQ. (4639)  
6 BRENOCH WIRTHLIN, ESQ. (10282)  
7 Hutchison & Steffen  
8 10080 West Alta Drive, Suite 200  
9 Las Vegas, Nevada 89145  
10 Telephone: (702) 385.2500  
11 Facsimile: (702) 385.2086  
12 E-Mail: [bwirthlin@hutchlegal.com](mailto:bwirthlin@hutchlegal.com)  
13 *Attorneys for Plaintiff*  
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**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that on this 30th day of December, 2022, I caused the document entitled **NOTICE OF APPEAL** to be served on the following by Electronic Service to:

**ALL PARTIES ON THE E-SERVICE LIST**

/s/ Jon Linder  
An Employee of Hutchison & Steffen



**EXHIBIT “B”**

**EXHIBIT “B”**

## REGISTER OF ACTIONS

**CASE No. A-14-711535-C**

**Commissioner of Insurance for the State of Nevada as Receiver of Lewis §  
and Clark, Plaintiff(s) vs. Robert Chur, Defendant(s) §**

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Case Type: **Negligence - Other Negligence**

Date Filed: 12/23/2014

Location: **Department 27**

Cross-Reference Case Number: **A711535**

Supreme Court No.: 84253

84311

85668

85728

85907

00001

## PARTY INFORMATION

|                  |                     |                                                                                      |
|------------------|---------------------|--------------------------------------------------------------------------------------|
| <b>Defendant</b> | <b>Chur, Robert</b> | <b>Lead Attorneys</b><br><b>Joseph P Garin</b><br><i>Retained</i><br>702-382-1500(W) |
|------------------|---------------------|--------------------------------------------------------------------------------------|

|                  |                    |                                                             |
|------------------|--------------------|-------------------------------------------------------------|
| <b>Defendant</b> | <b>Fogg, Steve</b> | <b>Joseph P Garin</b><br><i>Retained</i><br>702-382-1500(W) |
|------------------|--------------------|-------------------------------------------------------------|

|           |              |                                                      |
|-----------|--------------|------------------------------------------------------|
| Defendant | Garber, Mark | Joseph P Garin<br><i>Retained</i><br>702-382-1500(W) |
|-----------|--------------|------------------------------------------------------|

|                  |                      |                                                             |
|------------------|----------------------|-------------------------------------------------------------|
| <b>Defendant</b> | <b>Harter, Carol</b> | <b>Joseph P Garin</b><br><i>Retained</i><br>702-382-1500(W) |
|------------------|----------------------|-------------------------------------------------------------|

|           |                 |                                               |
|-----------|-----------------|-----------------------------------------------|
| Defendant | Hurlbut, Robert | Joseph P Garin<br>Retained<br>702-382-1500(W) |
|-----------|-----------------|-----------------------------------------------|

|           |                  |                                               |
|-----------|------------------|-----------------------------------------------|
| Defendant | Lumpkin, Barbara | Joseph P Garin<br>Retained<br>702-382-1500(W) |
|-----------|------------------|-----------------------------------------------|

|                  |                       |                                                             |
|------------------|-----------------------|-------------------------------------------------------------|
| <b>Defendant</b> | <b>Marshall, Jeff</b> | <b>Joseph P Garin</b><br><i>Retained</i><br>702-382-1500(W) |
|------------------|-----------------------|-------------------------------------------------------------|

|           |                |                                               |
|-----------|----------------|-----------------------------------------------|
| Defendant | Stickels, Eric | Joseph P Garin<br>Retained<br>702-382-1500(W) |
|-----------|----------------|-----------------------------------------------|

|           |                    |                                                     |
|-----------|--------------------|-----------------------------------------------------|
| Defendant | U S Re Corporation | George F. Ogilvie, III<br>Retained<br>7028734100(W) |
|-----------|--------------------|-----------------------------------------------------|

|                  |                                     |                                                                   |
|------------------|-------------------------------------|-------------------------------------------------------------------|
| <b>Defendant</b> | <b>Uni-Ter Claims Services Corp</b> | <b>George F. Ogilvie, III</b><br><i>Retained</i><br>7028734100(W) |
|------------------|-------------------------------------|-------------------------------------------------------------------|

|           |                                      |                                                     |
|-----------|--------------------------------------|-----------------------------------------------------|
| Defendant | Uni-Ter Underwriting Management Corp | George F. Ogilvie, III<br>Retained<br>7028734100(W) |
|-----------|--------------------------------------|-----------------------------------------------------|

|                  |                                                                                             |                                                                |
|------------------|---------------------------------------------------------------------------------------------|----------------------------------------------------------------|
| <b>Plaintiff</b> | <b>Commissioner of Insurance for the State of<br/>Nevada as Receiver of Lewis and Clark</b> | <b>Mark H. Hutchings</b><br><i>Retained</i><br>702-660-7700(W) |
|------------------|---------------------------------------------------------------------------------------------|----------------------------------------------------------------|

|                              |                         |                                                             |
|------------------------------|-------------------------|-------------------------------------------------------------|
| <b>Third Party Defendant</b> | <b>Dalton, Donna</b>    |                                                             |
| <b>Third Party Defendant</b> | <b>Elsass, Sanford</b>  |                                                             |
| <b>Third Party Plaintiff</b> | <b>Chur, Robert</b>     | <b>Joseph P Garin</b><br><i>Retained</i><br>702-382-1500(W) |
| <b>Third Party Plaintiff</b> | <b>Fogg, Steve</b>      | <b>Joseph P Garin</b><br><i>Retained</i><br>702-382-1500(W) |
| <b>Third Party Plaintiff</b> | <b>Garber, Mark</b>     | <b>Joseph P Garin</b><br><i>Retained</i><br>702-382-1500(W) |
| <b>Third Party Plaintiff</b> | <b>Harter, Carol</b>    | <b>Joseph P Garin</b><br><i>Retained</i><br>702-382-1500(W) |
| <b>Third Party Plaintiff</b> | <b>Hurlbut, Robert</b>  | <b>Joseph P Garin</b><br><i>Retained</i><br>702-382-1500(W) |
| <b>Third Party Plaintiff</b> | <b>Lumpkin, Barbara</b> | <b>Joseph P Garin</b><br><i>Retained</i><br>702-382-1500(W) |
| <b>Third Party Plaintiff</b> | <b>Marshall, Jeff</b>   | <b>Joseph P Garin</b><br><i>Retained</i><br>702-382-1500(W) |
| <b>Third Party Plaintiff</b> | <b>Stickels, Eric</b>   | <b>Joseph P Garin</b><br><i>Retained</i><br>702-382-1500(W) |

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**EVENTS & ORDERS OF THE COURT**


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|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <b>DISPOSITIONS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 02/25/2016 | <b>Order of Dismissal Without Prejudice</b> (Judicial Officer: Allf, Nancy)<br>Debtors: Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark (Plaintiff)<br>Creditors: Robert Chur (Defendant), Steve Fogg (Defendant), Mark Garber (Defendant), Carol Harter (Defendant), Robert Hurlbut (Defendant), Barbara Lumpkin (Defendant), Jeff Marshall (Defendant), Eric Stickels (Defendant)<br>Judgment: 02/25/2016, Docketed: 03/03/2016<br>Comment: Certain Claims |
| 05/04/2016 | <b>Order of Dismissal</b> (Judicial Officer: Allf, Nancy)<br>Debtors: U S Re Corporation (Defendant)<br>Creditors: Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark (Plaintiff)<br>Judgment: 05/04/2016, Docketed: 05/12/2016<br>Comment: Certain Claim                                                                                                                                                                                                       |
| 08/13/2020 | <b>Judgment</b> (Judicial Officer: Allf, Nancy)<br>Debtors: Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark (Plaintiff)<br>Creditors: Robert Chur (Defendant), Steve Fogg (Defendant), Mark Garber (Defendant), Carol Harter (Defendant), Robert Hurlbut (Defendant), Barbara Lumpkin (Defendant), Jeff Marshall (Defendant), Eric Stickels (Defendant)<br>Judgment: 08/13/2020, Docketed: 08/14/2020                                                        |
| 09/20/2021 | <b>Partial Summary Judgment</b> (Judicial Officer: Allf, Nancy)<br>Debtors: U S Re Corporation (Defendant)<br>Creditors: Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark (Plaintiff)<br>Judgment: 09/20/2021, Docketed: 09/21/2021                                                                                                                                                                                                                           |
| 10/14/2021 | <b>Verdict</b> (Judicial Officer: Allf, Nancy)<br>Debtors: Uni-Ter Underwriting Management Corp (Defendant), Uni-Ter Claims Services Corp (Defendant), U S Re Corporation (Defendant)<br>Creditors: Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark (Plaintiff)<br>Judgment: 10/14/2021, Docketed: 10/20/2021<br>Total Judgment: 15,222,853.00                                                                                                               |
| 12/30/2021 | <b>Judgment Upon the Verdict</b> (Judicial Officer: Allf, Nancy)<br>Debtors: U S Re Corporation (Defendant)<br>Creditors: Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark (Plaintiff)                                                                                                                                                                                                                                                                        |

|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <p>Judgment: 12/30/2021, Docketed: 01/20/2022<br/> Total Judgment: 10,482,456.58<br/> Debtors: Uni-Ter Underwriting Management Corp (Defendant)<br/> Creditors: Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark (Plaintiff)<br/> Judgment: 12/30/2021, Docketed: 01/20/2022<br/> Total Judgment: 4,765,300.35<br/> Debtors: Uni-Ter Claims Services Corp (Defendant)<br/> Creditors: Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark (Plaintiff)<br/> Judgment: 12/30/2021, Docketed: 01/20/2022<br/> Total Judgment: 3,812,240.31</p>                                         |
| 06/08/2022 | <p><b>Clerk's Certificate</b> (Judicial Officer: Alf, Nancy)<br/> Debtors: Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark (Plaintiff)<br/> Creditors: Robert Chur (Defendant), Steve Fogg (Defendant), Mark Garber (Defendant), Carol Harter (Defendant), Robert Hurlbut (Defendant), Barbara Lumpkin (Defendant), Jeff Marshall (Defendant), Eric Stickels (Defendant), Uni-Ter Underwriting Management Corp (Defendant), Uni-Ter Claims Services Corp (Defendant), U S Re Corporation (Defendant)<br/> Judgment: 06/08/2022, Docketed: 06/19/2022<br/> Comment: Supreme Court No. 84253 Appeal Dismissed</p> |
| 07/05/2022 | <p><b>Clerk's Certificate</b> (Judicial Officer: Alf, Nancy)<br/> Debtors: Robert Chur (Defendant), Steve Fogg (Defendant), Mark Garber (Defendant), Carol Harter (Defendant), Robert Hurlbut (Defendant), Barbara Lumpkin (Defendant), Jeff Marshall (Defendant), Eric Stickels (Defendant)<br/> Creditors: Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark (Plaintiff)<br/> Judgment: 07/05/2022, Docketed: 07/05/2022<br/> Comment: Supreme Court No. 84311 Appeal Dismissed</p>                                                                                                                             |
| 12/01/2022 | <p><b>Judgment for Attorney's Fees</b> (Judicial Officer: Alf, Nancy)<br/> Debtors: Robert Chur (Defendant), Steve Fogg (Defendant), Mark Garber (Defendant), Carol Harter (Defendant), Robert Hurlbut (Defendant), Barbara Lumpkin (Defendant), Jeff Marshall (Defendant), Eric Stickels (Defendant), Uni-Ter Underwriting Management Corp (Defendant), Uni-Ter Claims Services Corp (Defendant), U S Re Corporation (Defendant)<br/> Creditors: Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark (Plaintiff)<br/> Judgment: 12/01/2022, Docketed: 12/02/2022<br/> Total Judgment: 1,814,863.61</p>             |
| 07/01/2023 | <p><b>Judgment Upon the Verdict</b> (Judicial Officer: Alf, Nancy)<br/> Debtors: Robert Chur (Defendant), Steve Fogg (Defendant), Mark Garber (Defendant), Carol Harter (Defendant), Robert Hurlbut (Defendant), Jeff Marshall (Defendant), Eric Stickels (Defendant), Uni-Ter Underwriting Management Corp (Defendant), Uni-Ter Claims Services Corp (Defendant), U S Re Corporation (Defendant)<br/> Creditors: Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark (Plaintiff)<br/> Judgment: 07/01/2023, Docketed: 07/03/2023<br/> Total Judgment: 17,037,716.61</p>                                            |

**OTHER EVENTS AND HEARINGS**

|            |                                                                                                                                                                                                                                    |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12/23/2014 | <b>Case Opened</b>                                                                                                                                                                                                                 |
| 12/23/2014 | <b>Complaint Doc ID# 1</b><br>[1] Complaint                                                                                                                                                                                        |
| 12/23/2014 | <b>Initial Appearance Fee Disclosure Doc ID# 2</b><br>[2] Initial Appearance Fee Disclosure (NRS Chapter 19)                                                                                                                       |
| 03/31/2015 | <b>Summons Doc ID# 3</b><br>[3] Summons - Steve Fogg                                                                                                                                                                               |
| 03/31/2015 | <b>Summons Doc ID# 4</b><br>[4] Summons - Robert Chur                                                                                                                                                                              |
| 03/31/2015 | <b>Summons Doc ID# 5</b><br>[5] Summons - Uni-Ter Underwriting Management Corp                                                                                                                                                     |
| 03/31/2015 | <b>Summons Doc ID# 6</b><br>[6] Summons - Uni-Ter Claims Services Corp                                                                                                                                                             |
| 04/10/2015 | <b>Affidavit of Service Doc ID# 7</b><br>[7] Affidavit of Service - Steve Fogg                                                                                                                                                     |
| 04/10/2015 | <b>Affidavit of Service Doc ID# 8</b><br>[8] Affidavit of Service - Uni-Ter Underwriting Management Corp                                                                                                                           |
| 04/10/2015 | <b>Affidavit of Service Doc ID# 9</b><br>[9] Affidavit of Service - Robert Hurlbut                                                                                                                                                 |
| 04/10/2015 | <b>Affidavit of Service Doc ID# 10</b><br>[10] Affidavit of Service - U.S. RE Corporation                                                                                                                                          |
| 04/10/2015 | <b>Affidavit of Service Doc ID# 11</b><br>[11] Affidavit of Service - Babara Lumpkin                                                                                                                                               |
| 04/10/2015 | <b>Affidavit of Service Doc ID# 12</b><br>[12] Affidavit of Service - Uni-Ter Claims Services Corp                                                                                                                                 |
| 04/10/2015 | <b>Affidavit of Service Doc ID# 13</b><br>[13] Affidavit of Service - Robert Chur                                                                                                                                                  |
| 04/14/2015 | <b>Affidavit of Service Doc ID# 14</b><br>[14] Affidavit of Service (Mark Garber)                                                                                                                                                  |
| 04/14/2015 | <b>Acceptance of Service Doc ID# 15</b><br>[15] Acceptance of Service                                                                                                                                                              |
| 04/20/2015 | <b>Three Day Notice of Intent to Default Doc ID# 16</b><br>[16] Three Day Notice of Intent to Take Default (Uni-Ter Underwriting Management Corp.)                                                                                 |
| 04/20/2015 | <b>Three Day Notice of Intent to Default Doc ID# 17</b><br>[17] Three Day Notice of Intent to Take Default (Uni-Ter Claims Services Corp.)                                                                                         |
| 04/20/2015 | <b>Three Day Notice of Intent to Default Doc ID# 18</b><br>[18] Three Day Notice of Intent to Take Default (U.S. RE Corporation)                                                                                                   |
| 06/29/2015 | <b>Third Party Complaint Doc ID# 19</b><br>[19] Defendants and Third-Party Plaintiffs Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Third Party Complaint |

06/30/2015 **Initial Appearance Fee Disclosure** Doc ID# 20  
[20] Initial Appearance Fee Disclosure

07/21/2015 **Affidavit** Doc ID# 21  
[21] Affidavit of Due Diligence

08/04/2015 **Affidavit of Due Diligence** Doc ID# 22  
[22] Affidavit of Due Diligence

08/21/2015 **Affidavit of Due Diligence** Doc ID# 23  
[23] Affidavit of Due Diligence

12/11/2015 **Motion to Dismiss** Doc ID# 24  
[24] Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Motion to Dismiss

01/15/2016 **Opposition** Doc ID# 25  
[25] Opposition to Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Motion to Dismiss

01/20/2016 **Reply in Support** Doc ID# 26  
[26] Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Reply in Support of their Motion to Dismiss

01/22/2016 **Disclosure Statement** Doc ID# 27  
[27] Uni-Ter Underwriting Management Corp. and Uni-Ter Claims Services Corp.'s Disclosure Statement Pursuant to NRCP 7.1

01/22/2016 **Motion to Dismiss** Doc ID# 28  
[28] Defendants Uni-Ter Underwriting Management Corp. and Uni-Ter Claims Services Corp.'s Motion to Dismiss

01/22/2016 **Motion to Dismiss** Doc ID# 30  
[30] Defendant U.S. RE Corporation's Motion to Dismiss

01/22/2016 **Disclosure Statement** Doc ID# 31  
[31] U.S. RE Corporation's Disclosure Statement Pursuant to NRCP 7.1

01/25/2016 **Initial Appearance Fee Disclosure** Doc ID# 29  
[29] Initial Appearance Fee Disclosure

01/25/2016 **Initial Appearance Fee Disclosure** Doc ID# 32  
[32] Initial Appearance Fee Disclosure

01/26/2016 **Motion to Associate Counsel** Doc ID# 33  
[33] Motion to Associate Counsel

01/27/2016 **Motion to Dismiss** (10:00 AM) (Judicial Officer Alf, Nancy)  
Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Motion to Dismiss  
[Parties Present](#)  
[Minutes](#)  
01/13/2016 Reset by Court to 01/27/2016  
Result: Granted in Part

01/29/2016 **Notice of Non Opposition** Doc ID# 34  
[34] Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Notice of Non-Opposition to Motion to Associate Counsel

02/08/2016 **Non Opposition** Doc ID# 35  
[35] Plaintiff's Non-Opposition to Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp., and U.S. RE Corporation's Motion to Associate Counsel

02/11/2016 **Opposition** Doc ID# 36  
[36] Opposition to Defendant U.S. RE Corporation's Motion to Dismiss

02/11/2016 **Opposition** Doc ID# 37  
[37] Opposition to Defendants Uni-Ter Underwriting Management Corp. and Uni-Ter Claims Services Corp.'s Motion to Dismiss

02/19/2016 **Minute Order** (3:00 AM) (Judicial Officer Alf, Nancy)  
Minute Order: Motion to Associate Counsel set 3/1/2016 GRANTED and VACATED  
[Minutes](#)  
Result: Minute Order - No Hearing Held

02/22/2016 **Order Admitting to Practice** Doc ID# 38  
[38] Order Admitting to Practice

02/22/2016 **Reply in Support** Doc ID# 39  
[39] Defendants Uni-Ter Underwriting Management Corp. and Uni-Ter Claims Services Corp.'s Reply in Support of Motion to Dismiss

02/22/2016 **Reply in Support** Doc ID# 40  
[40] Defendant U.S. RE Corporation's Reply in Support of Motion to Dismiss

02/23/2016 **Notice of Entry of Order** Doc ID# 41  
[41] Notice of Entry of Order Admitting to Practice

02/25/2016 **Motion to Dismiss** (10:30 AM) (Judicial Officer Alf, Nancy)  
Defendants Uni-Ter Underwriting Management Corp. and Uni-Ter Claims Services Corp.'s Motion to Dismiss  
Result: Continued for Chambers Decision

02/25/2016 **Motion to Dismiss** (10:30 AM) (Judicial Officer Alf, Nancy)  
Defendant U.S. RE Corporation's Motion to Dismiss  
Result: Continued for Chambers Decision

02/25/2016 **Order** Doc ID# 42  
[42] Order Granting in Part and Denying in Part Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Motion to Dismiss

02/25/2016 **All Pending Motions** (10:30 AM) (Judicial Officer Alf, Nancy)  
[Parties Present](#)  
[Minutes](#)  
Result: Matter Heard

02/26/2016 **Notice of Entry of Order** Doc ID# 43  
[43] Notice of Entry of Order Granting in Part and Denying in Part Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Motion to Dismiss

03/01/2016 **CANCELED Motion to Associate Counsel** (3:00 AM) (Judicial Officer Alf, Nancy)  
Vacated - Previously Decided  
Motion to Associate Counsel

03/15/2016 **Decision** (3:00 AM) (Judicial Officer Alf, Nancy)  
03/15/2016, 04/05/2016, 04/19/2016

|            |                                                                                                                                                                                                                                                                                                                                                            |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <i>Decision: Defendants Uni-Ter Underwriting Management Corp. and Uni-Ter Claims Services Corp.'s Motion to Dismiss</i>                                                                                                                                                                                                                                    |
|            | <a href="#">Minutes</a>                                                                                                                                                                                                                                                                                                                                    |
|            | Result: Matter Continued                                                                                                                                                                                                                                                                                                                                   |
| 03/24/2016 | <b>Recorders Transcript of Hearing Doc ID# 44</b><br>[44] Recorder's Transcript of Proceedings: Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lampkin, Jeff Marshall, and Eric Stickels' Motion to Dismiss - January 27, 2016                                                                                     |
| 03/24/2016 | <b>Recorders Transcript of Hearing Doc ID# 45</b><br>[45] Recorder's Transcript of Proceedings: Defendant U.S. RE Corporation's Motion to Dismiss; Defendants Uni-Ter Underwriting Management Corp. and Uni-Ter Claims Services Corp.'s Motion to Dismiss - February 25, 2016                                                                              |
| 04/01/2016 | <b>Amended Complaint Doc ID# 46</b><br>[46] First Amended Complaint                                                                                                                                                                                                                                                                                        |
| 04/18/2016 | <b>Motion to Dismiss Doc ID# 47</b><br>[47] Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Motion to Dismiss First Amended Complaint                                                                                                                                    |
| 05/04/2016 | <b>Decision and Order Doc ID# 48</b><br>[48] Decision and Order                                                                                                                                                                                                                                                                                            |
| 05/05/2016 | <b>Opposition Doc ID# 49</b><br>[49] Opposition to Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Motion to Dismiss First Amended Complaint                                                                                                                             |
| 05/06/2016 | <b>Amended Certificate of Service Doc ID# 50</b><br>[50] Amended Certificate of Service                                                                                                                                                                                                                                                                    |
| 05/10/2016 | <b>Notice of Entry of Decision and Order Doc ID# 51</b><br>[51] Notice of Entry of Decision and Order                                                                                                                                                                                                                                                      |
| 05/19/2016 | <b>Reply Doc ID# 52</b><br>[52] Defendant Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Reply Brief in Support of the Motion to Dismiss First Amended Complaint                                                                                                                   |
| 05/23/2016 | <b>Amended Certificate of Service Doc ID# 53</b><br>[53] Amended Certificate of Service                                                                                                                                                                                                                                                                    |
| 05/25/2016 | <b>Stipulation and Order Doc ID# 54</b><br>[54] Stipulation & Order to Continue Hearing on Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall and Eric Stickels' Motion to Dismiss First Amended Complaint                                                                                      |
| 05/26/2016 | <b>Notice of Entry of Stipulation and Order Doc ID# 55</b><br>[55] Notice of Entry of Stipulation & Order to Continue Hearing on Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall and Eric Stickels' Motion to Dismiss First Amended Complaint                                                |
| 05/26/2016 | <b>Consent to Service By Electronic Means Doc ID# 56</b><br>[56] Consent to Service by Electronic Means                                                                                                                                                                                                                                                    |
| 06/13/2016 | <b>Amended Complaint Doc ID# 57</b><br>[57] Second Amended Complaint                                                                                                                                                                                                                                                                                       |
| 06/14/2016 | <b>Minute Order (3:00 AM) (Judicial Officer Allf, Nancy)</b><br><a href="#">Minutes</a>                                                                                                                                                                                                                                                                    |
| 06/16/2016 | Result: Minute Order - No Hearing Held<br><b>CANCELED Motion to Dismiss (10:30 AM) (Judicial Officer Allf, Nancy)</b><br>Vacated<br>Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Motion to Dismiss First Amended Complaint<br>05/26/2016 Reset by Court to 06/16/2016 |
| 06/23/2016 | <b>Status Check (2:30 PM) (Judicial Officer Allf, Nancy)</b><br>Status Check: Handling of Motions to Dismiss<br><a href="#">Parties Present</a><br><a href="#">Minutes</a>                                                                                                                                                                                 |
|            | Result: Matter Heard                                                                                                                                                                                                                                                                                                                                       |
| 07/18/2016 | <b>Supplemental Doc ID# 58</b><br>[58] Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Supplement to the Motion to Dismiss First Amended Complaint                                                                                                                       |
| 07/20/2016 | <b>Notice of Hearing Doc ID# 59</b><br>[59] Notice of Motion                                                                                                                                                                                                                                                                                               |
| 08/05/2016 | <b>Amended Complaint Doc ID# 60</b><br>[60] Third Amended Complaint                                                                                                                                                                                                                                                                                        |
| 08/11/2016 | <b>Stipulation and Order Doc ID# 61</b><br>[61] Stipulation and Order to File Third Amended Complaint to Correct Exhibit Numbers                                                                                                                                                                                                                           |
| 08/12/2016 | <b>Notice of Entry of Stipulation and Order Doc ID# 62</b><br>[62] Notice of Entry of Stipulation and Order to file Third Amended Complaint to Correct Exhibit Numbers                                                                                                                                                                                     |
| 08/12/2016 | <b>Answer to Amended Complaint Doc ID# 63</b><br>[63] Defendant Uni-Ter Claims Services Corp.'s Answer to Third Amended Complaint                                                                                                                                                                                                                          |
| 08/12/2016 | <b>Answer to Amended Complaint Doc ID# 64</b><br>[64] Defendant U.S. RE Corporation's Answer to Third Amended Complaint                                                                                                                                                                                                                                    |
| 08/12/2016 | <b>Motion to Dismiss Doc ID# 65</b><br>[65] Defendant Uni-Ter Underwriting Management Corp.'s Motion to Dismiss Negligent Misrepresentation Claim of Third Party Complaint                                                                                                                                                                                 |
| 08/17/2016 | <b>Demand for Jury Trial Doc ID# 66</b><br>[66] Demand for Jury Trial                                                                                                                                                                                                                                                                                      |
| 08/24/2016 | <b>Stipulation and Order Doc ID# 67</b><br>[67] Stipulation and Order to Continue Hearing on Defendant's Robert Chur, Steven Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Erick Stickels' Motion to Dismiss First Amended Complaint                                                                                |
| 08/25/2016 | <b>Notice of Entry of Order Doc ID# 68</b><br>[68] Notice of Entry of Stipulation and Order to Continue Hearing on Defendants Robert Chur, Steve Fogg, Mark Garbar, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Motion to Dismiss First Amended Complaint                                                             |
| 08/31/2016 | <b>Opposition Doc ID# 69</b><br>[69] Opposition to Defendant Uni-Ter Underwriting Management Corp.'s Motion to Dismiss Negligent Misrepresentation Claim of Third Amended Complaint                                                                                                                                                                        |
| 09/02/2016 | <b>Supplement Doc ID# 70</b>                                                                                                                                                                                                                                                                                                                               |

|            |                                                                                                                                                                                                                                                                                                                       |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <i>[70] Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Second Supplement to the Motion to Dismiss First Amended Complaint</i>                                                                                                      |
| 09/08/2016 | <b>Supplement Doc ID# 71</b><br><i>[71] Supplement to Opposition to Individual Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Motion to Dismiss Complaint</i>                                                                      |
| 09/09/2016 | <b>Reply in Support Doc ID# 72</b><br><i>[72] Defendant Uni-Ter Underwriting Management Corp.'s Reply in Support of Motion to Dismiss Negligent Claim of Third Amended Complaint</i>                                                                                                                                  |
| 09/15/2016 | <b>Motion to Dismiss (10:30 AM)</b> (Judicial Officer Allf, Nancy)<br><i>Defendant's Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels Motion to Dismiss First Amended Complaint</i><br>08/24/2016 Reset by Court to 09/15/2016<br>Result: Denied |
| 09/15/2016 | <b>Motion to Dismiss (10:30 AM)</b> (Judicial Officer Allf, Nancy)<br><i>Defendant Uni-Ter Underwriting Management Corp.'s Motion to Dismiss Negligent Misrepresentation Claim of Third Party Complaint</i><br>Result: Denied                                                                                         |
| 09/15/2016 | <b>All Pending Motions (10:30 AM)</b> (Judicial Officer Allf, Nancy)<br><a href="#">Parties Present</a><br><a href="#">Minutes</a><br>Result: Matter Heard                                                                                                                                                            |
| 09/24/2016 | <b>Request Doc ID# 73</b><br><i>[73] Request for Exemption from Arbitration</i>                                                                                                                                                                                                                                       |
| 10/07/2016 | <b>Order Denying Motion Doc ID# 74</b><br><i>[74] Order Denying Defendant Uni-Ter Underwriting Management Corp.'s Motion to Dismiss Negligent Misrepresentation Claim of Third Amended Complaint</i>                                                                                                                  |
| 10/10/2016 | <b>Notice of Entry of Order Doc ID# 75</b><br><i>[75] Notice of Entry of Order Denying Defendant Uni-Ter Underwriting Management Corp.'s Motion to Dismiss Negligent Misrepresentation Claim of Third Amended Complaint</i>                                                                                           |
| 10/10/2016 | <b>Order Denying Motion Doc ID# 76</b><br><i>[76] Order Denying Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Motion to Dismiss First Amended Complaint</i>                                                                       |
| 10/11/2016 | <b>Notice of Entry of Order Doc ID# 77</b><br><i>[77] Notice of Entry of Order Denying Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Motion to Dismiss First Amended Complaint</i>                                                |
| 10/17/2016 | <b>Answer Doc ID# 79</b><br><i>[79] Defendant Uni-Ter Underwriting Management Corp.'s Answer to Plaintiff's Third Amended Complaint</i>                                                                                                                                                                               |
| 10/18/2016 | <b>Commissioners Decision on Request for Exemption - Granted Doc ID# 78</b><br><i>[78] Commissioner's Decision on Request for Exemption - Granted</i>                                                                                                                                                                 |
| 10/21/2016 | <b>Answer to Amended Complaint Doc ID# 80</b><br><i>[80] Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Answer to the Third</i>                                                                                                    |
| 10/24/2016 | <b>Arbitration File Doc ID# 81</b><br><i>[81] Arbitration File</i>                                                                                                                                                                                                                                                    |
| 12/28/2016 | <b>Joint Case Conference Report Doc ID# 82</b><br><i>[82] Joint Case Conference Report</i>                                                                                                                                                                                                                            |
| 02/10/2017 | <b>Notice to Appear for Discovery Conference Doc ID# 83</b><br><i>[83] Notice to Appear for Discovery Conference</i>                                                                                                                                                                                                  |
| 02/28/2017 | <b>Discovery Conference (9:30 AM)</b> (Judicial Officer Bulla, Bonnie)<br>COURT CALL - Discovery Conference<br><a href="#">Parties Present</a><br><a href="#">Minutes</a><br>Result: Scheduling Order Will Issue                                                                                                      |
| 03/17/2017 | <b>Scheduling Order Doc ID# 84</b><br><i>[84] Scheduling Order</i>                                                                                                                                                                                                                                                    |
| 04/03/2017 | <b>Notice of Change of Firm Name Doc ID# 85</b><br><i>[85] Notice of Firm Name Change</i>                                                                                                                                                                                                                             |
| 04/10/2017 | <b>Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call Doc ID# 86</b><br><i>[86] Order Setting Civil Jury Trial, Pre-Trial/Calendar Call</i>                                                                                                                                                                 |
| 06/29/2017 | <b>Motion to Associate Counsel Doc ID# 87</b><br><i>[87] Motion to Associate Counsel</i>                                                                                                                                                                                                                              |
| 07/11/2017 | <b>Stipulation and Order Doc ID# 88</b><br><i>[88] Stipulation for HIPAA Qualified Protective Order and Confidentiality Order</i>                                                                                                                                                                                     |
| 07/11/2017 | <b>Notice of Entry of Stipulation and Order Doc ID# 89</b><br><i>[89] Notice of Entry of Stipulation for HIPAA Qualified Protective Order and Confidentiality Order</i>                                                                                                                                               |
| 08/01/2017 | <b>Motion to Associate Counsel (3:00 AM)</b> (Judicial Officer Allf, Nancy)<br><i>Deft's Motion to Associate Counsel</i><br><a href="#">Minutes</a><br>Result: Granted                                                                                                                                                |
| 08/11/2017 | <b>Order Admitting to Practice Doc ID# 90</b><br><i>[90] Order Admitting to Practice</i>                                                                                                                                                                                                                              |
| 08/11/2017 | <b>Notice of Entry of Order Doc ID# 91</b><br><i>[91] Notice of Entry of Order Admitting to Practice</i>                                                                                                                                                                                                              |
| 09/26/2017 | <b>Stipulation and Order to Extend Discovery Deadlines Doc ID# 92</b><br><i>[92] Stipulation and Order to Extend Discovery Deadlines and to Continue Trial (First Request)</i>                                                                                                                                        |
| 09/26/2017 | <b>Notice of Entry of Stipulation and Order Doc ID# 93</b><br><i>[93] Notice of Entry of Stipulation and Order to Extend Discovery Deadlines (First Request)</i>                                                                                                                                                      |
| 09/27/2017 | <b>Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call Doc ID# 94</b><br><i>[94] Order Re-Setting Civil Jury Trial, Pre-Trial/Calendar Call</i>                                                                                                                                                              |
| 11/01/2017 | <b>Notice Doc ID# 95</b><br><i>[95] Notice of Subpoena Duces Tecum to Catlin Insurance Services, Inc.</i>                                                                                                                                                                                                             |
| 11/13/2017 | <b>Proof of Service Doc ID# 96</b><br><i>[96] Proof of Service Regarding Catlin Insurance Services, Inc.</i>                                                                                                                                                                                                          |



02/13/2018 **Application for Issuance of Commission to Take Deposition Doc ID# 97**  
[97] Uni-Ter Underwriting Management Corp. Uni-Ter Claims Services Corp., and U.S. Re Corporation's Application for Issuance of Commission for Out of State Deposition Subpoena to Brown & Brown of Florida, Inc.

03/07/2018 **Stipulation and Order to Extend Discovery Deadlines Doc ID# 98**  
[98] Stipulation and Order to Extend Discovery Deadlines and to Continue Trial

03/09/2018 **Recorders Transcript of Hearing Doc ID# 99**  
[99] Transcript of Proceedings, Defendant Uni-Ter Underwriting Management Corp's Motion to Dismiss Negligent Misrepresentation Claim of Third Party Complaint; Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels Motion to Dismiss First Amended Complaint, Heard on September 15, 2016

03/12/2018 **Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call Doc ID# 100**  
[100] Order Re-Setting Civil Jury Trial, Pre-Trial/ Calendar Call

05/10/2018 **CANCELED Pretrial/Calendar Call (10:30 AM) (Judicial Officer Allf, Nancy)**  
Vacated - per Stipulation and Order

05/14/2018 **CANCELED Jury Trial (10:30 AM) (Judicial Officer Allf, Nancy)**  
Vacated - per Stipulation and Order

05/17/2018 **Stipulation and Order to Extend Discovery Deadlines Doc ID# 101**  
[101] Stipulation and Order to Extend Discovery Deadlines and to Continue Trial (Third Request)

05/21/2018 **Notice of Entry of Stipulation and Order Doc ID# 102**  
[102] Notice of Entry of Stipulation and Order to Extend Discovery Deadlines and to Continue Trial (Third Request)

05/21/2018 **Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call Doc ID# 103**  
[103] Order Re-Setting Civil Jury Trial, Pre-Trial/Calendar Call

08/14/2018 **Motion for Judgment Doc ID# 104**  
[104] Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, And Eric Stickels Motion For Judgment On The Pleadings Pursuant To NRCP 12(C)

09/04/2018 **Notice of Taking Deposition Doc ID# 105**  
[105] Notice of Taking Deposition of Person(s) Most Knowledgeable of Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp. and U.S. RE Corporation Pursuant to NRCP 30(b)(6)

09/11/2018 **Motion to Associate Counsel Doc ID# 106**  
[106] Motion to Associate Counsel Erin Kolmansberger

09/19/2018 **Motion for Protective Order Doc ID# 107**  
[107] Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp. and U.S. Re Corporation's Motion for Entry of a Protective Order on Order Shortening Time

09/19/2018 **Opposition to Motion Doc ID# 109**  
[109] Plaintiff's (1) Opposition to Director Defendants' Motion for Judgment on the Pleadings and (2) Countermotion for Summary Judgment as to Liability Only

09/20/2018 **Initial Appearance Fee Disclosure Doc ID# 108**  
[108] Initial Appearance Fee Disclosure

09/24/2018 **Motion for Protective Order Doc ID# 110**  
[110] Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp. and U.S. Re Corporation's Motion for Entry of a Protective Order on Order Shortening Time

09/24/2018 **Appendix Doc ID# 111**  
[111] Appendix of Exhibits in Support of Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp. and U.S. Re Corporation's Motion for Entry of a Protective Order on Order Shortening Time, Volume 1

09/24/2018 **Appendix Doc ID# 112**  
[112] Appendix of Exhibits in Support of Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp. and U.S. Re Corporation's Motion for Entry of a Protective Order on Order Shortening Time, Volume 2

09/26/2018 **Opposition to Motion For Protective Order Doc ID# 113**  
[113] Plaintiff's Opposition to Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp. and US RE Corporation's Motion for Entry of a Protective Order on Order Shortening Time

09/27/2018 **Reply in Support Doc ID# 114**  
[114] Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp. and U.S. Re Corporation's Reply in Support of Defendants' Motion for Entry of a Protective Order on Order Shortening Time

09/28/2018 **Motion for Protective Order (10:00 AM) (Judicial Officer Bulla, Bonnie)**  
Defts Uni-Ter Underwriting Management Corp, Uni-Ter Claims Services Corp. and US Re Corporation's Motion for Entry of a Protective Order on OST  
[Parties Present](#)  
[Minutes](#)

Result: Granted

10/01/2018 **Motion to Strike Doc ID# 115**  
[115] Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, And Eric Stickels Motion To Strike Plaintiff s Countermotion For Summary Judgment On Order Shortening Time

10/03/2018 **CANCELED Motion (9:00 AM) (Judicial Officer Allf, Nancy)**  
Vacated - Duplicate Entry  
Defendant Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp. and U.S. Re Corporation's Motion for Entry of a Protective Order on Order Shortening Time

10/03/2018 **CANCELED Motion (9:00 AM) (Judicial Officer Allf, Nancy)**  
Vacated - Set in Error  
Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp. and U.S. Re Corporation's Motion for Entry of a Protective Order on Order Shortening Time

10/03/2018 **Application for Issuance of Commission to Take Deposition Doc ID# 116**  
[116] Uni-Ter Underwriting Management Corp. Uni-Ter Claims Services Corp., and U.S. Re Corporation's Application for Issuance of Commission to Take Out-Of-State Videotaped Deposition of Jeff Marshall

10/03/2018 **Commission Issued Doc ID# 117**  
[117] Commission to Take Out-Of-State Videotaped Deposition of Jeff Marshall

10/04/2018 **CANCELED Pretrial/Calendar Call (10:31 AM) (Judicial Officer Allf, Nancy)**  
Vacated - per Stipulation and Order

10/04/2018 **Reply in Support Doc ID# 118**  
[118] Reply In Support Of Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, And Eric Stickels Motion For Judgment On The Pleadings Pursuant To NRCP 12(C)

10/08/2018 **CANCELED Jury Trial (10:30 AM) (Judicial Officer Allf, Nancy)**  
Vacated - per Stipulation and Order

10/08/2018 **Opposition to Motion For Summary Judgment Doc ID# 119**



[119] Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Opposition to the Countermotion for Summary Judgment

10/08/2018 **Application for Issuance of Commission to Take Deposition Doc ID# 120**  
[120] Application for Issuance of Commission to Take Out-Of-State Videotaped Deposition of Steven Fogg

10/08/2018 **Commission Issued Doc ID# 121**  
[121] Commission to Take Out-Of-State Videotaped Deposition of Steven Fogg

10/09/2018 **Opposition to Motion Doc ID# 122**  
[122] Opposition Director Defendants' Motion to Strike

10/10/2018 **Reply in Support Doc ID# 123**  
[123] Plaintiff's Reply in Support of Countermotion for Summary Judgment as to Liability Only

10/11/2018 **Motion for Judgment (9:30 AM) (Judicial Officer Allf, Nancy)**  
Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, And Eric Stickels Motion For Judgment On The Pleadings Pursuant To NRCP 12(C)  
09/19/2018 Reset by Court to 10/11/2018  
Result: Denied

10/11/2018 **Opposition and Countermotion (9:30 AM) (Judicial Officer Allf, Nancy)**  
Plaintiff's (1) Opposition to Director Defendants' Motion for Judgment on the Pleadings and (2) Countermotion for Summary Judgment as to Liability Only  
Result: Stricken

10/11/2018 **Motion to Strike (9:30 AM) (Judicial Officer Allf, Nancy)**  
Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Motion to Strike Plaintiff's Countermotion for Summary Judgment on Order Shortening Time  
Result: Granted

10/11/2018 **Order Granting Motion Doc ID# 124**  
[124] Order Granting Motion to Associate Counsel

10/11/2018 **Notice of Entry of Order Doc ID# 125**  
[125] Notice of Entry of Order Admitting to Practice

10/11/2018 **All Pending Motions (9:30 AM) (Judicial Officer Allf, Nancy)**  
[Parties Present](#)  
[Minutes](#)  
Result: Matter Heard

10/16/2018 **CANCELED Motion to Associate Counsel (3:00 AM) (Judicial Officer Allf, Nancy)**  
Vacated  
Motion to Associate Counsel Erin Kolmansberger

10/19/2018 **Recorders Transcript of Hearing Doc ID# 126**  
[126] Transcript of Proceedings, All Pending Motions, Heard on October 11, 2018

11/02/2018 **Suggestion of Death Doc ID# 127**  
[127] Suggestion of Death Upon the Records Pursuant to NRCP 25(a)

11/02/2018 **Order Denying Motion Doc ID# 128**  
[128] Order Denying Director Defendants' Motion for Judgment on the Pleadings Pursuant to NRCP 12(c)

11/06/2018 **Order Doc ID# 129**  
[129] Order Granting In Part Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, And Eric Stickels Motion To Strike

11/06/2018 **Application for Issuance of Commission to Take Deposition Doc ID# 130**  
[130] Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp., and U.S. Re Corporation's Amended Application for Issuance of Commission to Take Out-Of-State Videotaped Deposition of Jeff Marshall

11/06/2018 **Commission Issued Doc ID# 131**  
[131] Amended Commission to Take Out-Of-State Videotaped Deposition of Jeff Marshall

11/06/2018 **Application for Issuance of Commission to Take Deposition Doc ID# 132**  
[132] Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp., and U.S. Re Corporation's Application for Issuance of Commission to Take Out-Of-State Videotaped Deposition of Eric Stickels

11/06/2018 **Commission Issued Doc ID# 133**  
[133] Commission to Take Out-Of-State Videotaped Deposition of Eric Stickels

11/07/2018 **Notice of Entry Doc ID# 134**  
[134] Notice of Entry of Order

11/07/2018 **Notice of Entry of Order Doc ID# 135**  
[135] Notice of Entry of Order

11/16/2018 **Notice of Association of Counsel Doc ID# 136**  
[136] Notice of Association of Counsel

11/21/2018 **Discovery Commissioners Report and Recommendations Doc ID# 137**  
[137] Discovery Commissioner's Report and Recommendations

11/29/2018 **CANCELED Status Check: Compliance (3:00 AM) (Judicial Officer Bulla, Bonnie)**  
Vacated - per Commissioner

11/29/2018 **Motion to Reconsider Doc ID# 138**  
[138] Motion For Reconsideration

12/03/2018 **Request Doc ID# 139**  
[139] Request for Hearing on Defendants' Motion for Reconsideration

12/12/2018 **Motion Doc ID# 140**  
[140] Plaintiff's Motion for Extension of Discovery Deadlines and to Continue Trial on Order Shortening Time (Fourth Request)

12/19/2018 **Motion for Substitution Doc ID# 141**  
[141] Plaintiff's Motion for Substitution of Deceased Party Pursuant to NRCP 25(a)

12/20/2018 **Application for Issuance of Commission to Take Deposition Doc ID# 142**  
[142] Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp., and U.S. Re Corporation's Application for Issuance of Commission to Take Out-of-State Videotaped Deposition of Robert Chur

12/20/2018 **Commission Issued Doc ID# 143**  
[143] Commission to Take Out-of-State Videotaped Deposition of Robert Chur

12/20/2018 **Application for Issuance of Commission to Take Deposition Doc ID# 144**  
[144] Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp., and U.S. Re Corporation's Application for Issuance of Commission to Take Out-of-State Videotaped Deposition of Robert Hurlbut

12/20/2018 **Commission Issued Doc ID# 145**  
[145] Commission to Take Out-of-State Videotaped Deposition of Robert Hurlbut

12/21/2018 **Response Doc ID# 146**

|            |                                                                                                                                                                                                                                                                                                                                       |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <i>[146] Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp. and U.S. Re Corporation's Response to Plaintiff's Motion for Extension of Discovery Deadlines and to Continue Trial on an Order Shortening Time</i>                                                                                          |
| 12/24/2018 | <b>Response Doc ID# 147</b><br><i>[147] Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Response to Plaintiff's Motion for Extension of Discovery Deadlines and to Continue Trial on OST</i>                                                                   |
| 12/27/2018 | <b>Motion (9:30 AM)</b> (Judicial Officer Allf, Nancy)<br><i>Plaintiff's Motion for Extension of Discovery Deadlines and to Continue Trial on an Order Shortening Time</i><br><a href="#">Parties Present</a><br><a href="#">Minutes</a>                                                                                              |
|            | Result: Granted in Part                                                                                                                                                                                                                                                                                                               |
| 12/27/2018 | <b>CANCELED Motion to Extend Discovery (9:30 AM)</b> (Judicial Officer Allf, Nancy)<br><i>Vacated - Duplicate Entry</i><br><i>Plaintiff's Motion for Extension of Discovery Deadlines and to Continue Trial on Order Shortening Time (Fourth Request)</i>                                                                             |
| 12/27/2018 | <b>Stipulation and Order Doc ID# 148</b><br><i>[148] Stipulation and Order to Move Hearing Date on Motion for Reconsideration</i>                                                                                                                                                                                                     |
| 12/27/2018 | <b>Opposition Doc ID# 150</b><br><i>[150] Plaintiff's Opposition to Director Defendants' Motion for Reconsideration and Countermotion for Attorney's Fees</i>                                                                                                                                                                         |
| 12/28/2018 | <b>Certificate of Service Doc ID# 149</b><br><i>[149] Certificate of Service</i>                                                                                                                                                                                                                                                      |
| 12/28/2018 | <b>Notice of Entry of Stipulation and Order Doc ID# 151</b><br><i>[151] Notice of Entry of Stipulation and Order</i>                                                                                                                                                                                                                  |
| 01/04/2019 | <b>Minute Order (3:00 AM)</b> (Judicial Officer Allf, Nancy)<br><i>Minute Order: Request for Hearing on Defendant's Motion for Reconsideration and Plaintiff's Opposition to Director Defendants' Motion for Reconsideration and Countermotion for Attorney's Fees set 1/10/2019 CONTINUED to 1/9/2019</i><br><a href="#">Minutes</a> |
|            | Result: Minute Order - No Hearing Held                                                                                                                                                                                                                                                                                                |
| 01/04/2019 | <b>Reply in Support Doc ID# 152</b><br><i>[152] Reply in Support of Motion for Reconsideration and Opposition to Countermotion for Attorney's Fees</i>                                                                                                                                                                                |
| 01/07/2019 | <b>Opposition to Motion Doc ID# 153</b><br><i>[153] Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels Opposition to Plaintiff's Motion to Substitute</i>                                                                                                          |
| 01/08/2019 | <b>CANCELED Motion For Reconsideration (3:00 AM)</b> (Judicial Officer Allf, Nancy)<br><i>Vacated - Duplicate Entry</i>                                                                                                                                                                                                               |
| 01/09/2019 | <b>Motion For Reconsideration (9:00 AM)</b> (Judicial Officer Allf, Nancy)<br><i>Request for Hearing on Defendant's Motion for Reconsideration</i><br><i>01/03/2019 Reset by Court to 01/10/2019</i><br><i>01/10/2019 Reset by Court to 01/09/2019</i>                                                                                |
|            | Result: Denied                                                                                                                                                                                                                                                                                                                        |
| 01/09/2019 | <b>Opposition and Countermotion (9:00 AM)</b> (Judicial Officer Allf, Nancy)<br><i>Plaintiff's Opposition to Director Defendants' Motion for Reconsideration and Countermotion for Attorney's Fees</i><br><i>01/10/2019 Reset by Court to 01/09/2019</i>                                                                              |
|            | Result: Denied                                                                                                                                                                                                                                                                                                                        |
| 01/09/2019 | <b>Affidavit of Service Doc ID# 154</b><br><i>[154] Affidavit of Service (re: Plaintiff's Motion for Substitution of Deceased Party Pursuant to NRCP 25(a))</i>                                                                                                                                                                       |
| 01/09/2019 | <b>All Pending Motions (9:00 AM)</b> (Judicial Officer Allf, Nancy)<br><a href="#">Parties Present</a><br><a href="#">Minutes</a>                                                                                                                                                                                                     |
|            | Result: Matter Heard                                                                                                                                                                                                                                                                                                                  |
| 01/11/2019 | <b>Recorders Transcript of Hearing Doc ID# 155</b><br><i>[155] Transcript of Proceedings, Plaintiff's Motion for Extension of Discovery Deadlines and to Continue Trial on an Order Shortening Time, Heard on December 27, 2018</i>                                                                                                   |
| 01/11/2019 | <b>Recorders Transcript of Hearing Doc ID# 156</b><br><i>[156] Transcript of Proceedings, Plaintiff's Opposition to Director Defendants' Motion for Reconsideration and Countermotion for Attorney's Fees</i><br><i>Request for Hearing on Defendants' Motion for Reconsideration, Heard on January 9, 2019</i>                       |
| 01/17/2019 | <b>Reply to Opposition Doc ID# 157</b><br><i>[157] Reply to Defendants' Opposition to Plaintiff's Motion to Substitute</i>                                                                                                                                                                                                            |
| 01/17/2019 | <b>Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call Doc ID# 158</b><br><i>[158] Order Re-Setting Civil Jury Trial, Pre-Trial/Calendar Call</i>                                                                                                                                                                            |
| 01/22/2019 | <b>Application for Issuance of Commission to Take Deposition Doc ID# 159</b><br><i>[159] Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp., and U.S. Re Corporation's Application for Issuance of Commission to Take Out-Of-State Videotaped Deposition of Mark Garber</i>                                         |
| 01/22/2019 | <b>Commission Issued Doc ID# 160</b><br><i>[160] Commission to Take Out-Of-State Videotaped Deposition of Mark Garber</i>                                                                                                                                                                                                             |
| 01/24/2019 | <b>Motion (9:30 AM)</b> (Judicial Officer Allf, Nancy)<br><i>Plaintiffs Motion for Substitution of Deceased Party Pursuant to NRCP 25(a)</i><br><a href="#">Parties Present</a><br><a href="#">Minutes</a>                                                                                                                            |
|            | Result: Denied                                                                                                                                                                                                                                                                                                                        |
| 01/29/2019 | <b>Decision (3:00 AM)</b> (Judicial Officer Allf, Nancy)<br><i>Decision: Request for Hearing on Defendant's Motion for Reconsideration; Plaintiff's Opposition to Director Defendants' Motion for Reconsideration and Countermotion for Attorney's Fees</i><br><a href="#">Minutes</a>                                                |
|            | Result: Matter Continued                                                                                                                                                                                                                                                                                                              |
| 01/29/2019 | <b>Order Granting Doc ID# 162</b><br><i>[162] Order Granting In Part And Denying In Part Plaintiff's Motion For Extension Of Discovery Deadlines And To Continue Trial On An Order Shortening Time</i>                                                                                                                                |
| 01/30/2019 | <b>Notice of Entry of Order Doc ID# 163</b><br><i>[163] Notice of Entry of Order</i>                                                                                                                                                                                                                                                  |

01/31/2019 **Notice of Entry Doc ID# 164**  
[164] Notice of Entry or Order

02/07/2019 **Notice of Entry of Decision and Order Doc ID# 165**  
[165] Notice of Entry of Decision and Order

02/11/2019 **Notice of Entry of Order Doc ID# 166**  
[166] Notice of Entry of Decision and Order

02/11/2019 **Decision and Order Doc ID# 167**  
[167] Decision and Order

02/20/2019 **Notice of Entry Doc ID# 168**  
[168] Notice of Entry of Order

02/20/2019 **Order Doc ID# 169**  
[169] Order Striking Filing

02/21/2019 **Order Denying Motion Doc ID# 170**  
[170] Order Denying the Motion to Substitute

02/26/2019 **Notice of Entry of Order Doc ID# 171**  
[171] Notice of Entry of Order

03/07/2019 **CANCELED Pretrial/Calendar Call (10:31 AM) (Judicial Officer Allf, Nancy)**  
Vacated - per Stipulation and Order

03/08/2019 **Telephonic Conference (3:15 PM) (Judicial Officer Allf, Nancy)**  
[Parties Present](#)  
[Minutes](#)  
Result: Matter Heard

03/08/2019 **Motion to Stay Doc ID# 172**  
[172] Motion to Stay Proceedings Pending Petition for Writ of Mandamus on an Order Shortening Time

03/11/2019 **CANCELED Jury Trial (10:30 AM) (Judicial Officer Allf, Nancy)**  
Vacated - per Stipulation and Order

03/11/2019 **Joinder Doc ID# 173**  
[173] Limited Joinder to Directors' Motion to Stay Proceedings Pending Petition for Writ of Mandamus

03/12/2019 **Notice Doc ID# 174**  
[174] Notice of Filing of Petition for Writ of Mandamus

03/12/2019 **Opposition to Motion Doc ID# 175**  
[175] Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp. and U.S. Re Corporation's Opposition to the Director Defendants' Motion to Stay and the Receiver's Limited Joinder Thereto

03/13/2019 **Reply in Support Doc ID# 176**  
[176] Reply in Support of Motion to Stay Proceedings Pending Petition for Writ of Mandamus

03/14/2019 **Motion to Stay (10:00 AM) (Judicial Officer Allf, Nancy)**  
Defendants' Motion to Stay Proceedings Pending Petition for Writ of Mandamus on an Order Shortening Time  
[Parties Present](#)  
[Minutes](#)  
Result: Granted

03/25/2019 **Notice Doc ID# 177**  
[177] Notice of Submission of Proposed Order Granting Motion to Stay Proceedings Pending Petition for Writ of Mandamus

04/04/2019 **Order Granting Motion Doc ID# 178**  
[178] Order Granting Motion to Stay Proceedings Pending Petition for Writ of Mandamus

04/12/2019 **Notice of Entry of Order Doc ID# 179**  
[179] Notice of Entry of Order Granting Motion to Stay Proceedings Pending Petition for Writ of Mandamus

05/10/2019 **Status Report Doc ID# 180**  
[180] Defendant Director's Status Report re Petition for Writ of Mandamus

05/15/2019 **Minute Order (2:30 PM) (Judicial Officer Allf, Nancy)**  
[Minutes](#)  
Result: Minute Order - No Hearing Held

05/16/2019 **Status Report Doc ID# 181**  
[181] Director Defendants' Supplemental Status Report Regarding Petition for Writ of Mandamus

06/13/2019 **Status Check (9:30 AM) (Judicial Officer Cherry, Michael A.)**  
[Parties Present](#)  
[Minutes](#)  
Result: Set Status Check

07/02/2019 **Motion Doc ID# 182**  
[182] Motion to Lift Stay or Alternatively Grant Plaintiff Other Relief on Order Shortening Time

07/03/2019 **Amended Certificate of Service Doc ID# 183**  
[183] Amended Certificate of Service

07/09/2019 **Opposition to Motion Doc ID# 184**  
[184] The Director Defendants' Opposition to Plaintiff's Motion to Lift Stay or Alternatively Grant Plaintiff Other Relief

07/10/2019 **Response Doc ID# 185**  
[185] Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp., and U.S. Re Corporation's Response to the Receiver's Motion to Lift Stay or Alternatively Grant Plaintiff Other Relief on Order Shortening Time

07/11/2019 **Motion (9:30 AM) (Judicial Officer Allf, Nancy)**  
Plaintiff's Motion to Lift Stay or Alternatively Grant Plaintiff Other Relief on Order Shortening Time  
[Parties Present](#)  
[Minutes](#)  
07/18/2019 Reset by Court to 07/11/2019  
Result: Denied

07/16/2019 **Recorders Transcript of Hearing Doc ID# 186**  
[186] Transcript of Proceedings, Plaintiff's Motion to Lift Stay or Alternatively Grant Plaintiff Other Relief on Order Shortening Time, Heard on July 11, 2019

08/12/2019 **Order Denying Motion Doc ID# 187**  
[187] Order Denying Plaintiff's Motion to Lift Stay or Alternatively Grant Plaintiff Other Relief on Order Shortening Time

08/12/2019 **Notice of Entry of Order Doc ID# 188**  
[188] Notice of Entry of Order

08/15/2019 **Status Check** (9:30 AM) (Judicial Officer Allf, Nancy)  
[Parties Present](#)  
[Minutes](#)  
 Result: Matter Heard

09/17/2019 **Status Check** (3:00 AM) (Judicial Officer Allf, Nancy)  
**09/17/2019, 11/19/2019, 01/21/2020, 03/24/2020, 06/18/2020**  
**Status Check:**  
[Parties Present](#)  
[Minutes](#)  
*06/25/2019 Reset by Court to 09/17/2019*  
*05/26/2020 Reset by Court to 06/18/2020*  
 Result: Matter Continued

10/17/2019 **CANCELED Pretrial/Calendar Call** (10:31 AM) (Judicial Officer Allf, Nancy)  
*Vacated*  
*08/22/2019 Reset by Court to 10/17/2019*

10/21/2019 **CANCELED Jury Trial - FIRM** (10:30 AM) (Judicial Officer Allf, Nancy)  
*Vacated*  
*08/26/2019 Reset by Court to 10/21/2019*

11/18/2019 **Status Report Doc ID# 189**  
*[189] Joint Status Report*

01/17/2020 **Status Report Doc ID# 190**  
*[190] Joint Status Report*

01/21/2020 **Notice of Change of Address Doc ID# 191**  
*[191] Notice of Change of Address*

02/28/2020 **Notice of Change Doc ID# 192**  
*[192] Notice of Change of Address/Change of Law Firm*

03/10/2020 **Substitution of Attorney Doc ID# 193**  
*[193] Substitution of Counsel*

03/18/2020 **Substitution of Attorney Doc ID# 194**  
*[194] Substitution of Counsel*

03/23/2020 **Status Report Doc ID# 195**  
*[195] Joint Status Report*

03/23/2020 **Status Report Doc ID# 196**  
*[196] Director Defendants' Status Report*

03/23/2020 **Status Report Doc ID# 197**  
*[197] Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp., and U.S. Re Corporation's Status Report*

04/06/2020 **Motion for Clarification Doc ID# 198**  
*[198] Motion for Clarification on Order Shortening Time*

04/06/2020 **Certificate of Service Doc ID# 199**  
*[199] Certificate of Service*

04/06/2020 **Order Shortening Time Doc ID# 200**  
*[200] Motion for Clarification on Order Shortening Time*

04/08/2020 **Opposition Doc ID# 201**  
*[201] Director Defendants' Limited Opposition to Plaintiff's Motion for Clarification on an Order Shortening Time*

04/09/2020 **Response Doc ID# 202**  
*[202] Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp., and U.S. Re Corporation's Limited Opposition to Response to Plaintiff's Motion for Clarification on Order Shortening Time*

04/10/2020 **Motion for Clarification** (2:00 PM) (Judicial Officer Allf, Nancy)  
**04/10/2020, 06/18/2020**  
*Plaintiff's Motion for Clarification on Order Shortening Time*  
[Parties Present](#)  
[Minutes](#)  
*05/15/2020 Reset by Court to 06/18/2020*  
 Result: Matter Continued

04/10/2020 **Reply in Support Doc ID# 203**  
*[203] Omnibus Reply in Support of Motion for Clarification on Order Shortening Time*

04/23/2020 **Recorders Transcript of Hearing Doc ID# 204**  
*[204] Recorder's Transcript of Proceedings, RE: Plaintiff's Motion For Clarification on Order Shortening Time 4/10/20*

04/27/2020 **Order Granting Doc ID# 205**  
*[205] Order Regarding Plaintiff's Motion for Clarification on Order Shortening Time*

04/28/2020 **Notice of Entry of Order Doc ID# 206**  
*[206] Notice of Entry of Order*

05/13/2020 **Supplement Doc ID# 207**  
*[207] Supplemental Brief to the Motion for Clarification*

05/14/2020 **Stipulation and Order Doc ID# 208**  
*[208] Stipulation and Order*

05/14/2020 **Stipulation and Order Doc ID# 209**  
*[209] Stipulation and Order*

05/15/2020 **Notice of Entry of Stipulation and Order Doc ID# 210**  
*[210] Notice of Entry of Order*

06/10/2020 **Supplement Doc ID# 211**  
*[211] Second Supplemental Brief to the Motion for Clarification*

06/16/2020 **Minute Order** (3:00 AM) (Judicial Officer Allf, Nancy)  
*Minute Order: Telephonic Appearance*  
[Minutes](#)  
 Result: Minute Order - No Hearing Held

06/17/2020 **Status Report Doc ID# 212**  
*[212] Joint Status Report*



06/17/2020 **Notice of Withdrawal of Attorney Doc ID# 213**  
 [213] Notice of Withdrawal of Counsel

06/18/2020 **All Pending Motions (9:30 AM) (Judicial Officer Allf, Nancy)**  
[Parties Present](#)  
[Minutes](#)  
 Result: Matter Heard

06/22/2020 **Recorders Transcript of Hearing Doc ID# 214**  
 [214] Transcript of Proceedings, Plaintiff's Motion for Clarification on Order Shortening Time, Heard on June 18, 2020

06/24/2020 **Order Shortening Time Doc ID# 215**  
 [215] Plaintiff's Motion for Preferential Trial Setting And For Issuance of A New Discovery Scheduling Order or, In the Alternative, Motion to Stay All Discovery During the Pendency of Motion For Leave to File Fourth Amended Complaint; On Order Shortening Time

06/26/2020 **Certificate of Service Doc ID# 216**  
 [216] Certificate of Service

06/26/2020 **Amended Notice Doc ID# 217**  
 [217] Amended Notice of Hearing

06/29/2020 **Order Granting Motion Doc ID# 218**  
 [218] Order Granting Plaintiff's Motion for Clarification on Order Shortening Time

06/30/2020 **Notice of Entry of Order Doc ID# 219**  
 [219] Notice of Entry of Order

06/30/2020 **Response Doc ID# 220**  
 [220] Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickel's Response to the Motion for Preferential Trial Setting and for Issuance of a New Discovery Scheduling Order or, in the Alternative, Motion to Stay All Discovery During the Pendency of Motion for Leave to File Fourth Amended Complaint, on Order Shortening Time

06/30/2020 **Minute Order (3:00 AM) (Judicial Officer Allf, Nancy)**  
 Minute Order: BlueJeans Appearances  
[Minutes](#)  
 Result: Minute Order - No Hearing Held

06/30/2020 **Response Doc ID# 221**  
 [221] Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp. and U.S. Re Corporation s Response in Opposition to Plaintiff s Motion for Preferential Trial Setting and for Issuance of a New Discovery Scheduling Order or, in the Alternative, Motion to Stay all Discovery During the Pendency of Motion for Leave to File Fourth Amended Complaint

07/01/2020 **Motion for Preferential Trial Setting (10:00 AM) (Judicial Officer Allf, Nancy)**  
**07/01/2020, 07/23/2020**  
 Plaintiff's Motion for Preferential Trial Setting And For Issuance of A New Discovery Scheduling Order or, In the Alternative, Motion to Stay All Discovery During the Pendency of Motion For Leave to File Fourth Amended Complaint; On Order Shortening Time  
[Parties Present](#)  
[Minutes](#)  
 07/01/2020 Reset by Court to 07/01/2020  
 07/16/2020 Reset by Court to 07/23/2020  
 Result: Matter Continued

07/02/2020 **Motion for Leave to File Doc ID# 222**  
 [222] Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp. and U.S. RE Corporation s Motion for Leave to File Amended Answers to Third Amended Complaint

07/02/2020 **Motion to Amend Complaint Doc ID# 223**  
 [223] Motion for Leave to File Fourth Amended Complaint

07/02/2020 **Appendix Doc ID# 224**  
 [224] Appendix (Volume 1) to Motion for Leave to File Fourth Amended Complaint

07/02/2020 **Appendix Doc ID# 225**  
 [225] Appendix (Volume 2) to Motion for Leave to File Fourth Amended Complaint (Part 1)

07/02/2020 **Appendix Doc ID# 226**  
 [226] Appendix (Volume 2) to Motion for Leave to File Fourth Amended Complaint (Part 2)

07/02/2020 **Appendix Doc ID# 227**  
 [227] Appendix (Volume 4) to Motion for Leave to File Fourth Amended Complaint

07/02/2020 **Appendix Doc ID# 228**  
 [228] Appendix (Volume 5) to Motion for Leave to File Fourth Amended Complaint (Part 1)

07/02/2020 **Appendix Doc ID# 229**  
 [229] Appendix (Volume 5) to Motion for Leave to File Fourth Amended Complaint (Part 2)

07/02/2020 **Appendix Doc ID# 230**  
 [230] Appendix (Volume 3) to Motion for Leave to File Fourth Amended Complaint

07/02/2020 **Redacted Version Doc ID# 256**  
 [256] Redacted version of Appendix (2) to remove pages 68-91 and seal them per Order 8/3/20

07/02/2020 **Filed Under Seal Doc ID# 257**  
 [257] Sealed pages 68-91 of Appendix per Order 8/3/20

07/06/2020 **Notice of Hearing Doc ID# 231**  
 [231] Notice of Hearing

07/07/2020 **Clerk's Notice of Hearing Doc ID# 232**  
 [232] Notice of Hearing

07/07/2020 **Notice Doc ID# 233**  
 [233] Amended Notice of Hearing

07/08/2020 **Clerk's Notice of Nonconforming Document Doc ID# 234**  
 [234] Clerk's Notice of Nonconforming Document

07/09/2020 **Clerk's Notice of Nonconforming Document and Curative Action Doc ID# 235**  
 [235] Clerk's Notice of Curative Action

07/09/2020 **Errata Doc ID# 236**  
 [236] ERRATA TO THE PROPOSED FOURTH AMENDED COMPLAINT ATTACHED AS EXHIBIT 37 TO APPENDIX (VOLUME 3) TO MOTION FOR LEAVE TO FILE FOURTH AMENDED COMPLAINT

07/10/2020 **Clerk's Notice of Hearing Doc ID# 237**  
 [237] Notice of Hearing

07/10/2020 **Stipulation and Order Doc ID# 238**  
 [238] STIPULATION AND ORDER TO REGARDING THE HEARING ON THE MOTION FOR LEAVE TO FILE FOURTH AMENDED COMPLAINT

07/13/2020 **Notice of Entry of Stipulation and Order Doc ID# 239**  
[239] Notice of Entry of Stipulation and Order Regarding the Hearing on the Motion for Leave to File Fourth Amended Complaint

07/15/2020 **Order Doc ID# 240**  
[240] Order Re: Plaintiff's Motion for Preferential Trial Setting and for Issuance of A NEW Discovery Scheduling Order or in The Alternative Motion to Stay All discovery During The Pendency of Motion for Leave To File fourth Amended Complaint

07/16/2020 **Notice of Entry Doc ID# 241**  
[241] Notice of Entry of Order

07/17/2020 **Opposition Doc ID# 242**  
[242] Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Opposition to the Motion for Leave to File Fourth Amended Complaint

07/17/2020 **Appendix Doc ID# 243**  
[243] Appendix of Exhibits in Support of Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Opposition to the Motion for Leave to File Fourth Amended Complaint

07/17/2020 **Response Doc ID# 244**  
[244] Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp. and U.S. Re Corporation s Response in Opposition to Plaintiff s Motion for Leave to File Fourth Amended Complaint

07/17/2020 **Appendix Doc ID# 245**  
[245] Appendix of Exhibits to Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp. and U.S. Re Corporation s Response in Opposition to Plaintiff s Motion for Leave to File Fourth Amended Complaint

07/21/2020 **Minute Order (3:00 AM) (Judicial Officer Allf, Nancy)**  
Minute Order: BlueJeans Appearance  
[Minutes](#)  
Result: Minute Order - No Hearing Held

07/21/2020 **Reply in Support Doc ID# 246**  
[246] Omnibus Reply in Support of Motion for Leave to File Fourth Amended Complaint

07/22/2020 **Order Shortening Time Doc ID# 247**  
[247] Directors' Motion for Leave to File a Supplemental Brief In Support of the Opposition to the Plaintiff's Motion for Leave to File Amended Complaint, on Order Shortening Time

07/23/2020 **Motion for Leave (10:00 AM) (Judicial Officer Allf, Nancy)**  
Plaintiff Motion for Leave to File Fourth Amended Complaint  
07/16/2020 Reset by Court to 07/23/2020  
08/12/2020 Reset by Court to 07/16/2020  
Result: Denied

07/23/2020 **Motion for Leave (10:00 AM) (Judicial Officer Allf, Nancy)**  
Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp. and U.S. RE Corporation s Motion for Leave to File Amended Answers to Third Amended Complaint  
Result: Granted

07/23/2020 **All Pending Motions (10:00 AM) (Judicial Officer Allf, Nancy)**  
[Parties Present](#)  
[Minutes](#)  
Result: Matter Heard

07/24/2020 **Recorders Transcript of Hearing Doc ID# 249**  
[249] Transcript of Proceedings, All Pending Motions, Heard on July 23, 2020

07/28/2020 **Order Granting Motion Doc ID# 250**  
[250] Order Granting Motion For Leave To File Amended Answers To Third Amended Complaint

07/28/2020 **Notice of Entry of Order Doc ID# 251**  
[251] Notice of Entry of Order Granting Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp. and U.S. Re Corporation s Motion for Leave to File Amended Answers to Third Amended Complaint

07/30/2020 **Minute Order (3:00 AM) (Judicial Officer Allf, Nancy)**  
Minute Order: Transcript filed 7/24/2020 STRICKEN  
[Minutes](#)  
Result: Minute Order - No Hearing Held

07/31/2020 **Notice Doc ID# 252**  
[252] PLAINTIFF S NOTICE OF AVAILABILITY FOR JURY TRIAL AND PROVIDING NEW DISCOVERY AND TRIAL SCHEDULES BASED OFF OF TIME REMAINING UNDER OPERATIVE DISCOVERY SCHEDULING ORDER AND TRIAL AVAILABILITY

07/31/2020 **Expert Witness Disclosure Doc ID# 253**  
[253] PLAINTIFF S INITIAL EXPERT DISCLOSURE PURSUANT TO NRCP 16.1(a)(2)

07/31/2020 **NRCP 16.1 Disclosure Statement Doc ID# 254**  
[254] PLAINTIFF COMMISSIONER OF INSURANCE FOR THE STATE OF NEVADA, THE COURT-APPOINTED RECEIVER OF LEWIS & CLARK LTD RISK RETENTION GROUP, INC. S SIXTEENTH SUPPLEMENTAL DISCLOSURE OF DOCUMENTS AND WITNESSES PURSUANT TO NRCP 16.1

08/03/2020 **Stipulation and Order Doc ID# 255**  
[255] Stipulation and Order to Seal Appendix Vol 2 Part 1 To Plaintiff's Motion For Leave To File Fourth Amended Complaint

08/04/2020 **Certificate of Service Doc ID# 258**  
[258]

08/06/2020 **Notice of Entry Doc ID# 259**  
[259] Notice of Entry of Order

08/07/2020 **Amended Answer Doc ID# 260**  
[260] Defendant Uni-Ter Underwriting Management Corp's Amended Answer to Plaintiff's Third Amended Complaint

08/07/2020 **Amended Answer Doc ID# 261**  
[261] Defendant Uni-Ter Claims Services Corp. s Amended Answer to Third Amended Complaint

08/07/2020 **Amended Answer Doc ID# 262**  
[262] Defendant U.S. Re Corporation's Amended Answer to Third Amended Complaint

08/07/2020 **Minute Order (3:00 AM) (Judicial Officer Allf, Nancy)**  
Minute Order: BlueJeans Appearance  
[Minutes](#)  
Result: Minute Order - No Hearing Held

08/10/2020 **Notice of Entry of Findings of Fact, Conclusions of Law Doc ID# 264**  
[264] Notice of Entry of Findings of Fact, Conclusions of Law and Order Denying Plaintiff s Motion for Leave to File Fourth Amended Complaint

08/10/2020 **Order Denying Motion Doc ID# 265**

08/10/2020 [265] Order Denying Plaintiff's Motion for Leave to File Fourth Amended Complaint  
**Notice of Entry of Order Doc ID# 266**  
[266] Notice of Entry of Order

08/13/2020 **Telephonic Conference** (9:30 AM) (Judicial Officer Allf, Nancy)  
Telephonic Conference: Trial Scheduling Issues  
[Parties Present](#)  
[Minutes](#)  
Result: Matter Heard

08/13/2020 **Order Doc ID# 267**  
[267] Order to Strike from Record

08/13/2020 **Order Granting Motion Doc ID# 268**  
[268] Order Granting Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, And Erick Stickels' Motion for Judgment on the Pleadings Pursuant to NRCP 12(C) And Judgment Thereon

08/14/2020 **Notice of Entry Doc ID# 269**  
[269] Notice of Entry of Order

08/14/2020 **Motion to Reconsider Doc ID# 270**  
[270] Motion for Partial Reconsideration of Motion for Leave to Amend Regarding Director Defendants

08/14/2020 **Notice of Entry of Order Doc ID# 271**  
[271] Notice of Entry of Order

08/18/2020 **Clerk's Notice of Hearing Doc ID# 272**  
[272] Notice of Hearing

08/18/2020 **Ex Parte Motion Doc ID# 273**  
[273] Ex Parte Motion for an Order Shortening Time on Motion for Partial Reconsideration of Motion for Leave to Amend Regarding Director Defendants

08/18/2020 **Notice of Entry Doc ID# 274**  
[274] Notice of Entry of Order

08/18/2020 **Memorandum of Costs and Disbursements Doc ID# 275**  
[275] Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Verified Memorandum of Costs and Disbursements

08/21/2020 **Motion to Retax Doc ID# 276**  
[276] Motion to Retax and Settle Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels Verified Memorandum of Costs and Disbursements

08/24/2020 **Clerk's Notice of Hearing Doc ID# 277**  
[277] Notice of Hearing

08/24/2020 **Opposition Doc ID# 278**  
[278] Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Opposition to the Motion for Reconsideration Denying the Motion for Leave to File Fourth Amended Complaint

08/25/2020 **Reply in Support Doc ID# 279**  
[279] Reply in Support of Motion for Partial Reconsideration of Motion for Leave to Amend Regarding Director Defendants

08/25/2020 **Minute Order** (3:00 AM) (Judicial Officer Allf, Nancy)  
Minute Order: BlueJeans Appearance  
[Minutes](#)  
Result: Minute Order - No Hearing Held

08/25/2020 **Scheduling and Trial Order Doc ID# 280**  
[280] Scheduling Order And Order Setting Firm Civil Jury Trial and Calendar Call

08/26/2020 **Motion For Reconsideration** (9:00 AM) (Judicial Officer Allf, Nancy)  
Motion for Partial Reconsideration of Plaintiff's Motion for Leave to Amend Regarding Director Defendants  
[Parties Present](#)  
[Minutes](#)  
09/15/2020 Reset by Court to 08/26/2020  
Result: Denied

08/26/2020 **Order Granting Motion Doc ID# 281**  
[281] Order Granting Plaintiff's Motion For Preferential Trial Setting and For Issuance of a New Discovery Scheduling Order; Order Setting Firm Jury Trial, Pre-Trial/ Calendar Call and Issuing New Discovery Schedule

08/26/2020 **Scheduling and Trial Order Doc ID# 282**  
[282] Scheduling Order and Order Setting Firm Civil Jury Trial and Calendar

08/27/2020 **Notice of Entry Doc ID# 283**  
[283] Notice of Entry of Order

08/27/2020 **Amended Scheduling Order Doc ID# 284**  
[284] AMENDED SCHEDULING ORDER AND ORDER SETTING FIRM CIVIL JURY TRIAL AND CALENDAR CALL

08/28/2020 **Motion Doc ID# 285**  
[285] Motion to Stay Proceedings Pending Petition for Writ of Mandamus on Order Shortening Time

08/28/2020 **Notice of Entry Doc ID# 286**  
[286] Notice of Entry of Order

09/01/2020 **Opposition to Motion Doc ID# 287**  
[287] Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Opposition to the Motion to Stay Proceedings Pending Petition for Writ of Mandamus on Order Shortening Time

09/02/2020 **Minute Order** (3:00 AM) (Judicial Officer Allf, Nancy)  
Minute Order: BlueJeans Appearance  
[Minutes](#)  
Result: Minute Order - No Hearing Held

09/03/2020 **Motion to Stay** (11:00 AM) (Judicial Officer Allf, Nancy)  
Motion to Stay Proceedings Pending Petition for Writ of Mandamus on Order Shortening Time  
[Parties Present](#)  
[Minutes](#)  
09/03/2020 Reset by Court to 09/03/2020  
Result: Granted

09/03/2020 **Recorders Transcript of Hearing Doc ID# 288**  
[288] Transcript of Proceedings, Motions, Heard on July 1, 2020

|            |                                                                                                                                                                                                                                                                                                                                                                    |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 09/03/2020 | <b>Recorders Transcript of Hearing Doc ID# 289</b><br>[289] Transcript of Proceedings, Motions, Heard on August 26, 2020                                                                                                                                                                                                                                           |
| 09/03/2020 | <b>Motion Doc ID# 290</b><br>[290] Motion to Certify Judgment as Final Pursuant to NRCP 54(b) on Order Shortening Time                                                                                                                                                                                                                                             |
| 09/04/2020 | <b>Minute Order (3:00 AM) (Judicial Officer Allf, Nancy)</b><br>Minute Order: BlueJeans Appearance<br><a href="#">Minutes</a><br>Result: Minute Order - No Hearing Held                                                                                                                                                                                            |
| 09/04/2020 | <b>Notice of Entry Doc ID# 291</b><br>[291] Notice of Entry of Order                                                                                                                                                                                                                                                                                               |
| 09/08/2020 | <b>Response Doc ID# 292</b><br>[292] Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Response to the Motion to Certify Judgment as Final Pursuant to NRCP 56(B) on Order Shortening Time                                                                                         |
| 09/08/2020 | <b>Opposition to Motion Doc ID# 293</b><br>[293] Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp. and U.S. Re Corporation s Opposition to Motion to Certify Judgment as Final Pursuant to NRCP 54(B)                                                                                                                                |
| 09/09/2020 | <b>Findings of Fact, Conclusions of Law and Order Doc ID# 294</b><br>[294] Findings of Fact, Conclusions of Law and Order Denying Motion the of Motion for Partial Reconsideration of Motion for Leave to Amend Regarding Director Defendants                                                                                                                      |
| 09/10/2020 | <b>Motion (11:00 AM) (Judicial Officer Allf, Nancy)</b><br>Motion to Certify Judgment as Final Pursuant to NRCP 54(b) on Order Shortening Time<br><a href="#">Parties Present</a><br><a href="#">Minutes</a><br>Result: Denied                                                                                                                                     |
| 09/10/2020 | <b>Notice of Entry of Order Doc ID# 295</b><br>[295] Notice of Entry of Findings of Fact, Conclusions of Law and Order Denying the Motion for Reconsideration of Motion for Leave to Amend Regarding Director Defendants                                                                                                                                           |
| 09/16/2020 | <b>Recorders Transcript of Hearing Doc ID# 296</b><br>[296] Transcript of Proceedings, Motions, Heard on September 3, 2020                                                                                                                                                                                                                                         |
| 09/17/2020 | <b>Order Granting Motion Doc ID# 297</b><br>[297] Order Granting Plaintiff's Motion to Stay Proceedings                                                                                                                                                                                                                                                            |
| 09/17/2020 | <b>Notice of Entry of Order Doc ID# 298</b><br>[298] Notice of Entry of Order                                                                                                                                                                                                                                                                                      |
| 09/18/2020 | <b>Minute Order (3:00 AM) (Judicial Officer Allf, Nancy)</b><br>Minute Order: Blue Jeans Appearance<br><a href="#">Minutes</a><br>Result: Minute Order - No Hearing Held                                                                                                                                                                                           |
| 09/24/2020 | <b>Motion to Retax (9:30 AM) (Judicial Officer Allf, Nancy)</b><br>Plaintiff Motion to Retax and Settle Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels Verified Memorandum of Costs and Disbursements<br><a href="#">Parties Present</a><br><a href="#">Minutes</a><br>Result: Off Calendar |
| 09/24/2020 | <b>Notice of Change Doc ID# 299</b><br>[299] Notice of Change of Firm Affiliation and Address                                                                                                                                                                                                                                                                      |
| 02/11/2021 | <b>CANCELED Calendar Call (10:30 AM) (Judicial Officer Allf, Nancy)</b><br>Vacated                                                                                                                                                                                                                                                                                 |
| 02/22/2021 | <b>CANCELED Jury Trial - FIRM (10:30 AM) (Judicial Officer Allf, Nancy)</b><br>Vacated                                                                                                                                                                                                                                                                             |
| 03/30/2021 | <b>Motion Doc ID# 300</b><br>[300] Motion to Lift Stay and for Re-Setting of Preferential Trial Setting                                                                                                                                                                                                                                                            |
| 03/31/2021 | <b>Clerk's Notice of Hearing Doc ID# 301</b><br>[301] Notice of Hearing                                                                                                                                                                                                                                                                                            |
| 04/12/2021 | <b>Notice of Change of Address Doc ID# 302</b><br>[302] Notice of Change of Address                                                                                                                                                                                                                                                                                |
| 04/13/2021 | <b>Response Doc ID# 303</b><br>[303] Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp. and U.S. Re Corporation s Response to the Receiver's Motion to Lift Stay and For Re-Setting of Preferential Trial Date                                                                                                                        |
| 04/28/2021 | <b>Reply in Support Doc ID# 304</b><br>[304] Reply in Support of Motion to Lift Stay and for Re-Setting of Preferential Trial Date                                                                                                                                                                                                                                 |
| 05/04/2021 | <b>Minute Order (3:00 AM) (Judicial Officer Allf, Nancy)</b><br>Minute Order: BlueJeans Appearance<br><a href="#">Minutes</a><br>Result: Minute Order - No Hearing Held                                                                                                                                                                                            |
| 05/05/2021 | <b>Motion for Preferential Trial Setting (9:00 AM) (Judicial Officer Allf, Nancy)</b><br>Plaintiff's Motion to Lift Stay and for Re-Setting of Preferential Trial Setting<br><a href="#">Parties Present</a><br><a href="#">Minutes</a><br>Result: Granted                                                                                                         |
| 05/11/2021 | <b>Order Granting Motion Doc ID# 305</b><br>[305] Order Granting Plaintiff's Motion to Lift Stay and for Re-setting of Preferential Trial Date; Order Setting Firm Civil Jury Trial                                                                                                                                                                                |
| 05/12/2021 | <b>Notice of Entry Doc ID# 306</b><br>[306] Notice of Entry of Order                                                                                                                                                                                                                                                                                               |
| 05/12/2021 | <b>Scheduling and Trial Order Doc ID# 307</b><br>[307] ORDER SETTING FIRM CIVIL JURY TRIAL AND CALENDAR CALL                                                                                                                                                                                                                                                       |
| 05/13/2021 | <b>Opposition Doc ID# 308</b><br>[308] Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Opposition to the Motion to Retax and Settle Verified Memorandum of Costs and Disbursements                                                                                               |
| 05/13/2021 | <b>Motion for Attorney Fees and Costs Doc ID# 309</b>                                                                                                                                                                                                                                                                                                              |



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|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <i>[309] Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Motion for Attorneys' Fees and Costs Pursuant to NRCP 68 and NRS Chapter 18</i>                         |
| 05/13/2021 | <b>Clerk's Notice of Hearing Doc ID# 310</b>                                                                                                                                                                                                       |
|            | <i>[310] Notice of Hearing</i>                                                                                                                                                                                                                     |
| 05/19/2021 | <b>Stipulation and Order Doc ID# 311</b>                                                                                                                                                                                                           |
|            | <i>[311] Stipulation and Order Regarding Pretrial Deadlines</i>                                                                                                                                                                                    |
| 05/19/2021 | <b>Stipulation and Order Doc ID# 312</b>                                                                                                                                                                                                           |
|            | <i>[312] Stipulation and Order to Extend the Hearing on Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Motion for Attorneys Fees and Cost</i>                   |
| 05/20/2021 | <b>Notice of Entry of Stipulation and Order Doc ID# 313</b>                                                                                                                                                                                        |
|            | <i>[313] Notice of Entry of Stipulation and Order Regarding Pretrial Deadlines</i>                                                                                                                                                                 |
| 05/20/2021 | <b>Application for Issuance of Commission to Take Deposition Doc ID# 314</b>                                                                                                                                                                       |
|            | <i>[314] Application for Commission to Take Out-of-State Deposition of Sanford Elsass</i>                                                                                                                                                          |
| 05/20/2021 | <b>Commission Issued Doc ID# 315</b>                                                                                                                                                                                                               |
|            | <i>[315] Commission to Take Out-of-State Deposition</i>                                                                                                                                                                                            |
| 05/24/2021 | <b>Response Doc ID# 316</b>                                                                                                                                                                                                                        |
|            | <i>[316] Response to Subpoena Duces Tecum to Custodian of Records for Alan Gray LLC</i>                                                                                                                                                            |
| 05/24/2021 | <b>Response Doc ID# 317</b>                                                                                                                                                                                                                        |
|            | <i>[317] Response to Subpoena Duces Tecum to Custodian of Records for Alan Gray LLC</i>                                                                                                                                                            |
| 05/24/2021 | <b>Response Doc ID# 318</b>                                                                                                                                                                                                                        |
|            | <i>[318] Response to Subpoena Duces Tecum to Custodian of Records for GlassRatner Advisory &amp; Capital Group LLC</i>                                                                                                                             |
| 06/10/2021 | <b>Opposition to Motion Doc ID# 319</b>                                                                                                                                                                                                            |
|            | <i>[319] Opposition to Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels Motion for Attorney's Fees And Costs Pursuant To NRCP 68 and NRS Chapter 18</i>            |
| 06/18/2021 | <b>Application for Issuance of Commission to Take Deposition Doc ID# 320</b>                                                                                                                                                                       |
|            | <i>[320] Application For Commission To Take Out-Of-State- Deposition</i>                                                                                                                                                                           |
| 06/18/2021 | <b>Commission to Take Deposition Outside the State of Nevada Doc ID# 321</b>                                                                                                                                                                       |
|            | <i>[321] Commission To Take Out-Of-State Deposition</i>                                                                                                                                                                                            |
| 06/20/2021 | <b>Motion for Declaratory Relief Doc ID# 322</b>                                                                                                                                                                                                   |
|            | <i>[322] Motion for Declaratory Relief</i>                                                                                                                                                                                                         |
| 06/21/2021 | <b>Clerk's Notice of Hearing Doc ID# 323</b>                                                                                                                                                                                                       |
|            | <i>[323] Notice of Hearing</i>                                                                                                                                                                                                                     |
| 06/22/2021 | <b>Application for Issuance of Commission to Take Deposition Doc ID# 324</b>                                                                                                                                                                       |
|            | <i>[324] FILED as of 6/18/21 Application</i>                                                                                                                                                                                                       |
| 06/22/2021 | <b>Commission Issued Doc ID# 325</b>                                                                                                                                                                                                               |
|            | <i>[325] Commission to take Out of State Deposition of Sanford Elsass</i>                                                                                                                                                                          |
| 06/23/2021 | <b>Notice of Rescheduling of Hearing Doc ID# 326</b>                                                                                                                                                                                               |
|            | <i>[326] Notice of Rescheduling of Hearing</i>                                                                                                                                                                                                     |
| 06/23/2021 | <b>Notice of Rescheduling of Hearing Doc ID# 327</b>                                                                                                                                                                                               |
|            | <i>[327] Notice of Rescheduling of Hearing</i>                                                                                                                                                                                                     |
| 06/23/2021 | <b>Notice of Deposition Doc ID# 328</b>                                                                                                                                                                                                            |
|            | <i>[328] NOTICE OF VIDEOTAPED DEPOSITION OF LARRY SHATOFF</i>                                                                                                                                                                                      |
| 06/24/2021 | <b>Reply in Support Doc ID# 329</b>                                                                                                                                                                                                                |
|            | <i>[329] REPLY IN SUPPORT OF MOTION TO RETAX AND SETTLE ROBERT CHUR, STEVE FOGG, MARK GARBER, CAROL HARTER, ROBERT HURLBUT, BARBARA LUMPKIN, JEFF MARSHALL, AND ERIC STICKELS VERIFIED MEMORANDUM OF COSTS AND DISBURSEMENTS</i>                   |
| 06/24/2021 | <b>Reply in Support Doc ID# 330</b>                                                                                                                                                                                                                |
|            | <i>[330] Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Reply in Support of the Motion for Attorneys' Fees and Costs Pursuant to NRCP 68 and NRS Chapter 18</i> |
| 06/30/2021 | <b>Minute Order (3:00 AM) (Judicial Officer Allf, Nancy)</b>                                                                                                                                                                                       |
|            | <i>Minute Order: BlueJeans Appearance</i>                                                                                                                                                                                                          |
|            | <a href="#">Minutes</a>                                                                                                                                                                                                                            |
|            | Result: Minute Order - No Hearing Held                                                                                                                                                                                                             |
| 07/01/2021 | <b>CANCELED Motion for Attorney Fees and Costs (9:30 AM) (Judicial Officer Allf, Nancy)</b>                                                                                                                                                        |
|            | <i>Vacated</i>                                                                                                                                                                                                                                     |
|            | <i>Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Motion for Attorneys' Fees and Costs Pursuant to NRCP 68 and NRS Chapter 18</i>                               |
|            | <i>06/16/2021 Reset by Court to 07/01/2021</i>                                                                                                                                                                                                     |
| 07/01/2021 | <b>CANCELED Motion to Retax (9:30 AM) (Judicial Officer Allf, Nancy)</b>                                                                                                                                                                           |
|            | <i>Vacated</i>                                                                                                                                                                                                                                     |
|            | <i>Plaintiff Motion to Retax and Settle Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels Verified Memorandum of Costs and Disbursements</i>                                   |
| 07/01/2021 | <b>Motion to Retax (11:00 AM) (Judicial Officer Allf, Nancy)</b>                                                                                                                                                                                   |
|            | <i>Plaintiff's Motion to Retax and Settle Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut</i>                                                                                                                                   |
|            | Result: Denied                                                                                                                                                                                                                                     |
| 07/01/2021 | <b>Motion for Attorney Fees (11:00 AM) (Judicial Officer Allf, Nancy)</b>                                                                                                                                                                          |
|            | <i>Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, And Eric Stickels Motion For Attorneys Fees And Costs Pursuant To Nrcp 68 And Nrs Chapter 18</i>                                 |
|            | Result: Denied                                                                                                                                                                                                                                     |
| 07/01/2021 | <b>Notice Doc ID# 331</b>                                                                                                                                                                                                                          |
|            | <i>[331] Plaintiff's Notice of Objection to Notice of Intent to Issuance of Subpoena Duces Tecum for Business Records to the Nevada Department of Insurance and Agreement to produce Responsive, non-responsive non-privileged documents</i>       |
| 07/01/2021 | <b>Notice Doc ID# 332</b>                                                                                                                                                                                                                          |
|            | <i>[332] Plaintiff's Notice of Objection to Notice of Intent to Issuance of Subpoena Duces Tecum for Business Records to the Nevada Department of Insurance and Agreement to produce Responsive, non-responsive non-privileged documents</i>       |
| 07/01/2021 | <b>All Pending Motions (11:00 AM) (Judicial Officer Allf, Nancy)</b>                                                                                                                                                                               |
|            | <a href="#">Minutes</a>                                                                                                                                                                                                                            |
|            | Result: Matter Heard                                                                                                                                                                                                                               |
| 07/02/2021 | <b>Acceptance of Service Doc ID# 333</b>                                                                                                                                                                                                           |
|            | <i>[333] Acceptance of Service of Subpoena</i>                                                                                                                                                                                                     |
| 07/06/2021 | <b>Minute Order (3:00 AM) (Judicial Officer Allf, Nancy)</b>                                                                                                                                                                                       |

|            |                                                                                                                                                                                                                                                                                                                        |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <i>Minute Order: Plaintiff's Motion to Retax and Settle Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut (Motion to Retax)</i><br><b>DENIED</b><br><a href="#">Minutes</a>                                                                                                                           |
|            | Result: Minute Order - No Hearing Held                                                                                                                                                                                                                                                                                 |
| 07/06/2021 | <b>Recorders Transcript of Hearing Doc ID# 334</b><br>[334] <i>Transcript of Proceedings, Plaintiff's Motion to Lift Stay and for Re-Setting of Preferential Trial Setting, Heard on May 5, 2021</i>                                                                                                                   |
| 07/06/2021 | <b>Response Doc ID# 335</b><br>[335] <i>Defendants Uni-Ter Underwriting Management Corp. and U.S. Re Corporation's Response in Opposition to Plaintiff's Motion for Declaratory Relief</i>                                                                                                                             |
| 07/06/2021 | <b>Stipulation and Order Doc ID# 336</b><br>[336] <i>Stipulation and Order Regarding Pretrial Deadlines (Fourth Request)</i>                                                                                                                                                                                           |
| 07/07/2021 | <b>Notice of Entry of Order Doc ID# 337</b><br>[337] <i>Notice of Entry of Order</i>                                                                                                                                                                                                                                   |
| 07/13/2021 | <b>Order Shortening Time Doc ID# 338</b><br>[338] <i>Motion to Compel Discovery Pursuant to NRCP 37(a)(4) on Order Shortening Time</i>                                                                                                                                                                                 |
| 07/16/2021 | <b>Order Doc ID# 339</b><br>[339] <i>Order Denying Plaintiff's Motion to Retax and Settle Costs of Director Defendants</i>                                                                                                                                                                                             |
| 07/19/2021 | <b>Recorders Transcript of Hearing Doc ID# 340</b><br>[340] <i>Transcript of Proceedings, Plaintiff's Motion to Retax and Settle, Heard on July 1, 2021</i>                                                                                                                                                            |
| 07/19/2021 | <b>Certificate of Service Doc ID# 341</b><br>[341] <i>Certificate of Service</i>                                                                                                                                                                                                                                       |
| 07/19/2021 | <b>Reply in Support Doc ID# 342</b><br>[342] <i>Plaintiff's Reply in Support of Motion for Declaratory Relief</i>                                                                                                                                                                                                      |
| 07/21/2021 | <b>Notice of Rescheduling of Hearing Doc ID# 343</b><br>[343] <i>Notice of Rescheduling of Hearing</i>                                                                                                                                                                                                                 |
| 07/21/2021 | <b>Stipulation and Order Doc ID# 344</b><br>[344] <i>Stipulation and Order Regarding Motion for Declaratory Relief</i>                                                                                                                                                                                                 |
| 07/21/2021 | <b>Order Doc ID# 345</b><br>[345] <i>Order Denying Director Defendants' Motion for Attorney Fees and Costs</i>                                                                                                                                                                                                         |
| 07/21/2021 | <b>Notice of Entry of Stipulation and Order Doc ID# 346</b><br>[346] <i>Notice Of Entry Of Stipulation And Order Regarding Motion For Declaratory Relief</i>                                                                                                                                                           |
| 07/26/2021 | <b>Notice of Entry Doc ID# 347</b><br>[347] <i>Notice of Entry of Order</i>                                                                                                                                                                                                                                            |
| 07/27/2021 | <b>Application Doc ID# 348</b><br>[348] <i>Application for Out of State Commissions for the Production of Business Records in Lieu of Appearance at a Deposition</i>                                                                                                                                                   |
| 07/27/2021 | <b>Response Doc ID# 349</b><br>[349] <i>Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp., and U.S. Re Corporations' Response in Opposition to Plaintiff's Motion to Compel Discovery Pursuant to NRCP 37(a)(4) on Order Shortening Time</i>                                             |
| 07/27/2021 | <b>Subpoena Electronically Issued Doc ID# 350</b><br>[350] <i>OUT OF STATE COMMISSION FOR THE PRODUCTION OF BUSINESS RECORDS IN LIEU OF APPEARANCE AT A DEPOSITION</i>                                                                                                                                                 |
| 07/27/2021 | <b>Subpoena Electronically Issued Doc ID# 351</b><br>[351] <i>OUT OF STATE COMMISSION FOR THE PRODUCTION OF BUSINESS RECORDS IN LIEU OF APPEARANCE AT A DEPOSITION</i>                                                                                                                                                 |
| 07/28/2021 | <b>Minute Order (3:00 AM) (Judicial Officer Allf, Nancy)</b><br><i>Minute Order: BlueJeans Appearance</i><br><a href="#">Minutes</a>                                                                                                                                                                                   |
|            | Result: Minute Order - No Hearing Held                                                                                                                                                                                                                                                                                 |
| 07/28/2021 | <b>Motion for Partial Summary Judgment Doc ID# 352</b><br>[352] <i>Motion for Partial Summary Judgment Regarding the Uni-Ter Defendants Fiduciary Duties</i>                                                                                                                                                           |
| 07/29/2021 | <b>Motion for Declaratory Relief (9:30 AM) (Judicial Officer Allf, Nancy)</b><br><b>07/29/2021, 08/02/2021</b><br><i>Plaintiff's Motion for Declaratory Relief</i><br><a href="#">Parties Present</a><br><a href="#">Minutes</a><br>07/22/2021 Reset by Court to 07/29/2021<br>07/29/2021 Reset by Court to 08/02/2021 |
|            | Result: Matter Continued                                                                                                                                                                                                                                                                                               |
| 07/29/2021 | <b>Motion to Compel (9:30 AM) (Judicial Officer Truman, Erin)</b><br><i>Motion to Compel Discovery Pursuant to NRCP 37(a)(4) on Order Shortening Time</i><br><a href="#">Parties Present</a><br><a href="#">Minutes</a>                                                                                                |
|            | Result: Denied Without Prejudice                                                                                                                                                                                                                                                                                       |
| 07/29/2021 | <b>Clerk's Notice of Hearing Doc ID# 353</b><br>[353] <i>Notice of Hearing</i>                                                                                                                                                                                                                                         |
| 07/29/2021 | <b>Notice of Entry Doc ID# 354</b><br>[354] <i>Notice of Entry of Order</i>                                                                                                                                                                                                                                            |
| 08/04/2021 | <b>Motion in Limine Doc ID# 355</b><br>[355] <i>Plaintiff's Motion in Limine Number 1: to Preclude Sam Hewitt from Providing Expert Testimony Regarding Insolvency Analysis</i>                                                                                                                                        |
| 08/05/2021 | <b>Clerk's Notice of Hearing Doc ID# 356</b><br>[356] <i>Notice of Hearing</i>                                                                                                                                                                                                                                         |
| 08/11/2021 | <b>Recorders Transcript of Hearing Doc ID# 357</b><br>[357] <i>Transcript of Proceedings, Motions, Heard on August 2, 2021</i>                                                                                                                                                                                         |
| 08/11/2021 | <b>Opposition to Motion Doc ID# 358</b><br>[358] <i>Defendant Uni-Ter Underwriting Management Corporation and Defendant Uni-Ter Claims Services Corporation's Opposition to Plaintiff's Motion for Partial Summary Judgment Regarding the Uni-Ter Defendants' Fiduciary Duties</i>                                     |
| 08/13/2021 | <b>Motion in Limine Doc ID# 359</b><br>[359] <i>Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp., and U.S. Re Corporations' Motion in Limine to Strike and Exclude Testimony of the Receiver's Proposed Damages Expert, Mark Kuga</i>                                                   |
| 08/13/2021 | <b>Motion in Limine Doc ID# 360</b><br>[360] <i>Defendants' Motion in Limine Number 1: to Preclude Mark D. Tharp from Providing Expert Testimony on Impermissible Legal Conclusions</i>                                                                                                                                |
| 08/13/2021 | <b>Motion in Limine Doc ID# 361</b>                                                                                                                                                                                                                                                                                    |

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|            | <i>[361] Defendants' Motion in Limine Number 2: to Preclude Mark D. Tharp from Providing Expert Testimony Regarding Claims Reserving and "Suppression" of Reserves</i>                                                                          |
| 08/13/2021 | <b>Motion in Limine Doc ID# 362</b>                                                                                                                                                                                                             |
|            | <i>[362] Plaintiff's Motion in Limine No. 2 to Preclude Testimony by Joseph Petrelli, Richard Lord and Jim Murphy Regarding Unperformed Solvency Analysis</i>                                                                                   |
| 08/13/2021 | <b>Motion in Limine Doc ID# 363</b>                                                                                                                                                                                                             |
|            | <i>[363] Plaintiff's Motion in Limine Number 3 to Preclude Testimony that US RE was a Licensed Reinsurance Broker in Nevada</i>                                                                                                                 |
| 08/13/2021 | <b>Motion in Limine Doc ID# 364</b>                                                                                                                                                                                                             |
|            | <i>[364] Plaintiff's Motion in Limine Number 5 to Limit the Scope of Expert Witness Testimony Regarding Speculation Concerning the Economy</i>                                                                                                  |
| 08/13/2021 | <b>Motion in Limine Doc ID# 365</b>                                                                                                                                                                                                             |
|            | <i>[365] Plaintiff's Motion in Limine Number 4 to Preclude any Reference to Reinsurance Estimates</i>                                                                                                                                           |
| 08/13/2021 | <b>Motion in Limine Doc ID# 366</b>                                                                                                                                                                                                             |
|            | <i>[366] Plaintiff's Motion in Limine Number 6 to Strike Proffered Expert Witness Alan Gray</i>                                                                                                                                                 |
| 08/13/2021 | <b>Motion in Limine Doc ID# 367</b>                                                                                                                                                                                                             |
|            | <i>[367] Plaintiff's Motion in Limine Number 7 to Preclude Introduction of Irrelevant Evidence from Receivership Action, Case No. A-12-672047-C</i>                                                                                             |
| 08/13/2021 | <b>Motion for Partial Summary Judgment Doc ID# 368</b>                                                                                                                                                                                          |
|            | <i>[368] Motion for Partial Summary Judgment as to U.S. RE Corporation</i>                                                                                                                                                                      |
| 08/13/2021 | <b>Motion for Partial Summary Judgment Doc ID# 369</b>                                                                                                                                                                                          |
|            | <i>[369] Motion for Partial Summary Judgment as to Uni-ter Defendants' Breach of their Fiduciary Duties</i>                                                                                                                                     |
| 08/14/2021 | <b>Errata Doc ID# 370</b>                                                                                                                                                                                                                       |
|            | <i>[370] Errata to Motion for Partial Summary Judgment Regarding Uni-ter Management's Breach of Its Fiduciary Duties</i>                                                                                                                        |
| 08/14/2021 | <b>Certificate of Service Doc ID# 371</b>                                                                                                                                                                                                       |
|            | <i>[371] Certificate of Service</i>                                                                                                                                                                                                             |
| 08/16/2021 | <b>Clerk's Notice of Hearing Doc ID# 372</b>                                                                                                                                                                                                    |
|            | <i>[372] Notice of Hearing</i>                                                                                                                                                                                                                  |
| 08/16/2021 | <b>Clerk's Notice of Hearing Doc ID# 373</b>                                                                                                                                                                                                    |
|            | <i>[373] Notice of Hearing</i>                                                                                                                                                                                                                  |
| 08/16/2021 | <b>Clerk's Notice of Hearing Doc ID# 374</b>                                                                                                                                                                                                    |
|            | <i>[374] Notice of Hearing</i>                                                                                                                                                                                                                  |
| 08/17/2021 | <b>Order Doc ID# 375</b>                                                                                                                                                                                                                        |
|            | <i>[375] Order Granting in Part and Denying in Part Plaintiff's Motion for Declaratory Relief</i>                                                                                                                                               |
| 08/17/2021 | <b>Notice of Entry Doc ID# 376</b>                                                                                                                                                                                                              |
|            | <i>[376] Notice of Entry of Order</i>                                                                                                                                                                                                           |
| 08/18/2021 | <b>Opposition to Motion in Limine Doc ID# 377</b>                                                                                                                                                                                               |
|            | <i>[377] Defendants' Response in Opposition to Plaintiff's Motion in Limine Number 1: To Preclude Sam Hewitt from Providing Expert Testimony Regarding Insolvency Analysis</i>                                                                  |
| 08/23/2021 | <b>Notice of Change of Hearing Doc ID# 378</b>                                                                                                                                                                                                  |
|            | <i>[378] Notice of Change of Hearing - vacated</i>                                                                                                                                                                                              |
| 08/23/2021 | <b>Discovery Commissioners Report and Recommendations Doc ID# 379</b>                                                                                                                                                                           |
|            | <i>[379] Discovery Commissioner's Report and Recommendations</i>                                                                                                                                                                                |
| 08/23/2021 | <b>Pre-Trial Disclosure Doc ID# 380</b>                                                                                                                                                                                                         |
|            | <i>[380] Plaintiff's Pre-Trial Disclosure Statement Pursuant to NRCPC 16.1(a)(3)</i>                                                                                                                                                            |
| 08/25/2021 | <b>Reply in Support Doc ID# 381</b>                                                                                                                                                                                                             |
|            | <i>[381] Plaintiff's Reply in Support of Motion for Partial Summary Judgment Regarding the Uni-Ter Defendants' Fiduciary Duties</i>                                                                                                             |
| 08/25/2021 | <b>Minute Order (3:00 AM) (Judicial Officer Allf, Nancy)</b>                                                                                                                                                                                    |
|            | <i>Minute Order: BlueJeans Appearance</i>                                                                                                                                                                                                       |
|            | <a href="#">Minutes</a>                                                                                                                                                                                                                         |
|            | Result: Minute Order - No Hearing Held                                                                                                                                                                                                          |
| 08/25/2021 | <b>Order Shortening Time Doc ID# 382</b>                                                                                                                                                                                                        |
|            | <i>[382] Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp., and U.S. Re Corporations Objection to the Discovery Commissioner's Report and Recommendations on Order Shortening Time, 08.25.21</i>                  |
| 08/25/2021 | <b>Appendix Doc ID# 383</b>                                                                                                                                                                                                                     |
|            | <i>[383] Appendix of Exhibits to Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp., and U.S. Re Corporation's Objection to the Discovery Commissioner's Report and Recommendations on Order Shortening Time</i>   |
| 08/25/2021 | <b>Notice of Entry of Order Doc ID# 384</b>                                                                                                                                                                                                     |
|            | <i>[384] Notice of Entry of Order Shortening Time Regarding Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp., and U.S. Re Corporations' Objection to the Discovery Commissioner's Report and Recommendations</i> |
| 08/26/2021 | <b>Calendar Call (10:30 AM) (Judicial Officer Allf, Nancy)</b>                                                                                                                                                                                  |
|            | <a href="#">Parties Present</a>                                                                                                                                                                                                                 |
|            | <a href="#">Minutes</a>                                                                                                                                                                                                                         |
|            | 09/02/2021 Reset by Court to 08/26/2021                                                                                                                                                                                                         |
|            | Result: Matter Heard                                                                                                                                                                                                                            |
| 08/26/2021 | <b>CANCELED Status Check: Compliance (8:59 AM) (Judicial Officer Truman, Erin)</b>                                                                                                                                                              |
|            | <i>Vacated</i>                                                                                                                                                                                                                                  |
|            | <i>Status Check: Compliance / 7-29-2021 DCRR</i>                                                                                                                                                                                                |
| 08/27/2021 | <b>Order Doc ID# 385</b>                                                                                                                                                                                                                        |
|            | <i>[385] Order Setting Agenda</i>                                                                                                                                                                                                               |
| 08/27/2021 | <b>Opposition to Motion in Limine Doc ID# 386</b>                                                                                                                                                                                               |
|            | <i>[386] Plaintiff's Opposition to Motion in Limine to Strike and Exclude Testimony of Damages Expert Dr. Mark Kuga, PhD</i>                                                                                                                    |
| 08/27/2021 | <b>Opposition to Motion in Limine Doc ID# 387</b>                                                                                                                                                                                               |
|            | <i>[387] Defendants' Response in Opposition to Plaintiff's Motion in Limine Number 2: To Preclude Testimony by Joseph Petrelli, Richard Lord and Jim Murphy Regarding Unperformed Solvency Analysis</i>                                         |
| 08/27/2021 | <b>Opposition to Motion in Limine Doc ID# 388</b>                                                                                                                                                                                               |
|            | <i>[388] Defendants' Response in Opposition to Plaintiff's Motion in Limine Number 3: To Preclude Testimony that U.S. Re was a Licensed Reinsurance Broker in Nevada</i>                                                                        |
| 08/27/2021 | <b>Opposition to Motion in Limine Doc ID# 389</b>                                                                                                                                                                                               |
|            | <i>[389] Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp., and U.S. Re Corporations' Response in Opposition to Plaintiff's Motion in Limine Number 4: To Preclude any Reference to Reinsurance Estimates</i>     |
| 08/27/2021 | <b>Opposition to Motion in Limine Doc ID# 390</b>                                                                                                                                                                                               |
|            | <i>[390] Defendants' Response in Opposition to Plaintiff's Motion in Limine Number 5: To Limit the Scope of Expert Witness Testimony Regarding Speculation Concerning the Economy</i>                                                           |
| 08/27/2021 | <b>Appendix Doc ID# 391</b>                                                                                                                                                                                                                     |

|            |                                                                                                                                                                                                                                                         |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <i>[391] Appendix of Exhibits to Defendants' Response in Opposition to Plaintiff's Motion in Limine Number 5: To Limit the Scope of Expert Witness Testimony Regarding Speculation Concerning the Economy</i>                                           |
| 08/27/2021 | <b>Opposition to Motion in Limine Doc ID# 392</b>                                                                                                                                                                                                       |
|            | <i>[392] Defendants' Response in Opposition to Plaintiff's Motion in Limine Number 6 to Strike Proffered Expert Witness Alan Gray</i>                                                                                                                   |
| 08/27/2021 | <b>Appendix Doc ID# 393</b>                                                                                                                                                                                                                             |
|            | <i>[393] Appendix of Exhibits to Defendants' Response in Opposition to Plaintiff's Motion in Limine Number 6 to Strike Proffered Expert Witness Alan Gray</i>                                                                                           |
| 08/27/2021 | <b>Opposition to Motion For Summary Judgment Doc ID# 394</b>                                                                                                                                                                                            |
|            | <i>[394] Defendants Uni-Ter Underwriting Management Corporation and Uni-Ter Claims Services Corporation's Opposition to Plaintiff's Motion for Partial Summary Judgment Regarding Uni-Ter Defendants' Breach of Their Fiduciary Duties</i>              |
| 08/27/2021 | <b>Opposition to Motion For Summary Judgment Doc ID# 395</b>                                                                                                                                                                                            |
|            | <i>[395] Defendant's Opposition to Plaintiff's Motion for Partial Summary Judgment as to U.S. Re Corporation</i>                                                                                                                                        |
| 08/27/2021 | <b>Opposition to Motion in Limine Doc ID# 396</b>                                                                                                                                                                                                       |
|            | <i>[396] Plaintiff's Response to Defendants' Motion in Limine No. 1: To Preclude Mark D. Tharp from Providing Expert Testimony on Impermissible Legal Conclusions</i>                                                                                   |
| 08/28/2021 | <b>Non-Opposition to Request for Exemption Doc ID# 397</b>                                                                                                                                                                                              |
|            | <i>[397] Plaintiff's opposition to motion in limine number 2</i>                                                                                                                                                                                        |
| 08/28/2021 | <b>Errata Doc ID# 398</b>                                                                                                                                                                                                                               |
|            | <i>[398] Errata to Plaintiff's Opposition to Defendants' Motion in Limine No. 2</i>                                                                                                                                                                     |
| 08/28/2021 | <b>Opposition to Motion in Limine Doc ID# 399</b>                                                                                                                                                                                                       |
|            | <i>[399] Plaintiff's Opposition to Defendants' Motion in Limine No. 2 To Preclude Mark D. Tharp from Providing Expert Testimony Regarding Claims Reserving and "Suppression" of Reserves</i>                                                            |
| 08/30/2021 | <b>Stipulation and Order Doc ID# 400</b>                                                                                                                                                                                                                |
|            | <i>[400] Stipulation and Order to Extend Deadline Referenced in Discovery Commissioner's August 23, 2021 Report and Recommendations</i>                                                                                                                 |
| 08/30/2021 | <b>Notice of Entry of Stipulation and Order Doc ID# 401</b>                                                                                                                                                                                             |
|            | <i>[401] Notice of Entry of Stipulation and Order to Extend Deadline Reference in Discovery Commissioner's August 23, 2021 Report and Recommendations</i>                                                                                               |
| 08/31/2021 | <b>Reply in Support Doc ID# 402</b>                                                                                                                                                                                                                     |
|            | <i>[402] Plaintiffs Reply In Support of Motion In Limine No. 2 To Preclude Testimony By Joseph Petrelli, Richard Lord and Jim Murphy Regarding Unperformed Solvency Analysis</i>                                                                        |
| 08/31/2021 | <b>Minute Order (3:00 AM) (Judicial Officer Alf, Nancy)</b>                                                                                                                                                                                             |
|            | <i>Minute Order: BlueJeans Appearance</i>                                                                                                                                                                                                               |
|            | <a href="#">Minutes</a>                                                                                                                                                                                                                                 |
|            | Result: Minute Order - No Hearing Held                                                                                                                                                                                                                  |
| 08/31/2021 | <b>Acceptance of Service Doc ID# 403</b>                                                                                                                                                                                                                |
|            | <i>[403] Acceptance of Service of Subpoena - Volk</i>                                                                                                                                                                                                   |
| 08/31/2021 | <b>Reply in Support Doc ID# 404</b>                                                                                                                                                                                                                     |
|            | <i>[404] PLAINTIFF S REPLY IN SUPPORT OF MOTION IN LIMINE NUMBER 6 TO STRIKE PROFFERED EXPERT WITNESS ALAN GRAY</i>                                                                                                                                     |
| 08/31/2021 | <b>Reply Doc ID# 405</b>                                                                                                                                                                                                                                |
|            | <i>[405] Plaintiff's Reply in Support of Motion for Partial Summary Judgment as to US RE</i>                                                                                                                                                            |
| 08/31/2021 | <b>Reply Doc ID# 406</b>                                                                                                                                                                                                                                |
|            | <i>[406] Plaintiff's Reply in Support of Motion for Partial Summary Judgment Regarding Uni-ter Management's Breach of Its Fiduciary Duties</i>                                                                                                          |
| 08/31/2021 | <b>Reply Doc ID# 407</b>                                                                                                                                                                                                                                |
|            | <i>[407] Plaintiff's Reply in Support of Plaintiff's MIL No. 3 Regarding Licensure</i>                                                                                                                                                                  |
| 08/31/2021 | <b>Reply Doc ID# 408</b>                                                                                                                                                                                                                                |
|            | <i>[408] Plaintiff's Reply in Support of Motion in Limine No. 5 to Limit Speculation about the Economy</i>                                                                                                                                              |
| 08/31/2021 | <b>Reply Doc ID# 409</b>                                                                                                                                                                                                                                |
|            | <i>[409] Plaintiff's Reply in Support of Motion in Limine No. 4 to Preclude any References to Reinsurance Estimates</i>                                                                                                                                 |
| 08/31/2021 | <b>Reply Doc ID# 410</b>                                                                                                                                                                                                                                |
|            | <i>[410] Plaintiff's Reply in Support of Motion in Limine No. 1 to Preclude Sam Hewitt from Providing Insolvency Analysis</i>                                                                                                                           |
| 08/31/2021 | <b>Opposition Doc ID# 411</b>                                                                                                                                                                                                                           |
|            | <i>[411] Plaintiff's Opposition to Defendants' Objection to the Discovery Commissioner's Report and Recommendation on OST</i>                                                                                                                           |
| 09/01/2021 | <b>Stipulation Doc ID# 412</b>                                                                                                                                                                                                                          |
|            | <i>[412] Stipulated and Agreed Agenda the Septemeber 2, 2021 Hearing on Pending Motions</i>                                                                                                                                                             |
| 09/01/2021 | <b>Reply Doc ID# 413</b>                                                                                                                                                                                                                                |
|            | <i>[413] Reply in Support of Defendants' Objection to the Discovery Commissioner's Report and Recommendations on Order Shortening Time</i>                                                                                                              |
| 09/01/2021 | <b>Reply in Support Doc ID# 414</b>                                                                                                                                                                                                                     |
|            | <i>[414] Defendants' Reply in Support of Motion in Limine Number 1: To Preclude Mark D. Tharp from Providing Expert Testimony on Impermissible Legal Conclusions</i>                                                                                    |
| 09/01/2021 | <b>Reply in Support Doc ID# 415</b>                                                                                                                                                                                                                     |
|            | <i>[415] Defendants' Reply in Support of Motion in Limine Number 2: To Preclude Mark D. Tharp from Providing Expert Testimony Regarding Claims Reserving and "Suppression" of Reserves</i>                                                              |
| 09/01/2021 | <b>Reply in Support Doc ID# 416</b>                                                                                                                                                                                                                     |
|            | <i>[416] Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp., and U.S. Re Corporations' Reply in Support of Their Motion in Limine to Strike and Exclude Testimony of the Receiver's Proposed Damages Expert, Mark Kuga</i> |
| 09/02/2021 | <b>Motion for Partial Summary Judgment (10:00 AM) (Judicial Officer Alf, Nancy)</b>                                                                                                                                                                     |
|            | <i>Motion for Partial Summary Judgment Regarding the Uni-Ter Defendants Fiduciary Duties</i>                                                                                                                                                            |
|            | <i>09/01/2021 Reset by Court to 09/02/2021</i>                                                                                                                                                                                                          |
|            | Result: Denied                                                                                                                                                                                                                                          |
| 09/02/2021 | <b>Motion in Limine (10:00 AM) (Judicial Officer Alf, Nancy)</b>                                                                                                                                                                                        |
|            | <i>Plaintiff's Motion in Limine Number 1: to Preclude Sam Hewitt from Providing Expert Testimony Regarding Insolvency Analysis</i>                                                                                                                      |
|            | <i>09/08/2021 Reset by Court to 09/02/2021</i>                                                                                                                                                                                                          |
|            | Result: Denied                                                                                                                                                                                                                                          |
| 09/02/2021 | <b>Motion in Limine (10:00 AM) (Judicial Officer Alf, Nancy)</b>                                                                                                                                                                                        |
|            | <i>Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp., and U.S. Re Corporations' Motion in Limine to Strike and Exclude Testimony of the Receiver's Proposed Damages Expert, Mark Kuga</i>                                 |
|            | <i>09/23/2021 Reset by Court to 09/02/2021</i>                                                                                                                                                                                                          |
|            | Result: Denied                                                                                                                                                                                                                                          |
| 09/02/2021 | <b>Motion in Limine (10:00 AM) (Judicial Officer Alf, Nancy)</b>                                                                                                                                                                                        |
|            | <i>Defendants' Motion in Limine Number 1: to Preclude Mark D. Tharp from Providing Expert Testimony on Impermissible Legal Conclusions</i>                                                                                                              |
|            | <i>09/23/2021 Reset by Court to 09/02/2021</i>                                                                                                                                                                                                          |



|            |                                                                                                                                                                                                                                                                                                                                                  |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 09/02/2021 | Result: Granted<br><b>Motion in Limine</b> (10:00 AM) (Judicial Officer Alf, Nancy)<br><i>Defendants' Motion in Limine Number 2: to Preclude Mark D. Tharp from Providing Expert Testimony Regarding Claims Reserving and "Suppression" of Reserves</i><br>09/23/2021 Reset by Court to 09/02/2021                                               |
| 09/02/2021 | Result: Denied<br><b>Motion in Limine</b> (10:00 AM) (Judicial Officer Alf, Nancy)<br><i>Plaintiff's Motion in Limine No. 2 to Preclude Testimony by Joseph Petrelli, Richard Lord and Jim Murphy Regarding Unperformed Solvency Analysis</i><br>09/23/2021 Reset by Court to 09/02/2021                                                         |
| 09/02/2021 | Result: Granted in Part<br><b>Motion in Limine</b> (10:00 AM) (Judicial Officer Alf, Nancy)<br><i>Plaintiff's Motion in Limine Number 3 to Preclude Testimony that US RE was a Licensed Reinsurance Broker in Nevada</i><br>09/23/2021 Reset by Court to 09/02/2021                                                                              |
| 09/02/2021 | Result: Granted<br><b>Motion in Limine</b> (10:00 AM) (Judicial Officer Alf, Nancy)<br><i>Plaintiff's Motion in Limine Number 5 to Limit the Scope of Expert Witness Testimony Regarding Speculation Concerning the Economy</i><br>09/23/2021 Reset by Court to 09/02/2021                                                                       |
| 09/02/2021 | Result: Denied<br><b>Motion in Limine</b> (10:00 AM) (Judicial Officer Alf, Nancy)<br><i>Plaintiff's Motion in Limine Number 4 to Preclude any Reference to Reinsurance Estimates</i><br>09/23/2021 Reset by Court to 09/02/2021                                                                                                                 |
| 09/02/2021 | Result: Denied<br><b>Motion in Limine</b> (10:00 AM) (Judicial Officer Alf, Nancy)<br><i>Plaintiff's Motion in Limine Number 6 to Strike Proffered Expert Witness Alan Gray</i><br>09/23/2021 Reset by Court to 09/02/2021                                                                                                                       |
| 09/02/2021 | Result: Denied<br><b>Motion in Limine</b> (10:00 AM) (Judicial Officer Alf, Nancy)<br><i>Plaintiff's Motion in Limine Number 7 to Preclude Introduction of Irrelevant Evidence from Receivership Action, Case No. A-12-672047-C</i><br>09/23/2021 Reset by Court to 09/02/2021                                                                   |
| 09/02/2021 | Result: Granted<br><b>Motion for Partial Summary Judgment</b> (10:00 AM) (Judicial Officer Alf, Nancy)<br><i>Plaintiff's Motion for Partial Summary Judgment as to U.S. RE Corporation</i><br>09/22/2021 Reset by Court to 09/02/2021                                                                                                            |
| 09/02/2021 | Result: Granted in Part<br><b>Motion for Partial Summary Judgment</b> (10:00 AM) (Judicial Officer Alf, Nancy)<br><i>Plaintiff's Motion for Partial Summary Judgment as to Uni-ter Defendants' Breach of their Fiduciary Duties</i><br>09/22/2021 Reset by Court to 09/02/2021                                                                   |
| 09/02/2021 | Result: Denied<br><b>Objection to Discovery Commissioner's Report</b> (10:00 AM) (Judicial Officer Alf, Nancy)<br><i>Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp., And U.S. Re Corporations Objection To The Discovery Commissioner S Report And Recommendations On Order</i><br>09/02/2021 Reset by Court to 09/02/2021 |
| 09/02/2021 | Result: Granted in Part<br><b>Miscellaneous Filing Doc ID# 417</b><br>[417] Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp., and U.S. Re Corporations' Deposition Transcript Designations                                                                                                                        |
| 09/02/2021 | <b>All Pending Motions</b> (10:00 AM) (Judicial Officer Alf, Nancy)<br><a href="#">Parties Present</a><br><a href="#">Minutes</a>                                                                                                                                                                                                                |
| 09/07/2021 | Result: Matter Heard<br><b>Objection Doc ID# 418</b><br>[418] Objections to Defendants' Pre-Trial Disclosures                                                                                                                                                                                                                                    |
| 09/08/2021 | <b>Acceptance of Service Doc ID# 419</b><br>[419] Acceptance of Service of Subpoena                                                                                                                                                                                                                                                              |
| 09/11/2021 | <b>Miscellaneous Filing Doc ID# 420</b><br>[420] Plaintiff's Deposition Transcript Designations                                                                                                                                                                                                                                                  |
| 09/14/2021 | <b>Pre-trial Memorandum Doc ID# 421</b><br>[421] Pretrial Memorandum                                                                                                                                                                                                                                                                             |
| 09/14/2021 | <b>Pre-trial Memorandum Doc ID# 422</b><br>[422] Pretrial Memorandum - Part 2 of Exhibits                                                                                                                                                                                                                                                        |
| 09/14/2021 | <b>Miscellaneous Filing Doc ID# 423</b><br>[423] Plaintiff's Supplement to Deposition Transcript Designations                                                                                                                                                                                                                                    |
| 09/16/2021 | <b>Errata Doc ID# 425</b><br>[425] Defendant Uni-Ter Underwriting Management Corporation, Defendant Uni-Ter Claims Services Corporation, and Defendant U.S. Re Corporation's Errata to Pretrial Memorandum                                                                                                                                       |
| 09/17/2021 | <b>Recorders Transcript of Hearing Doc ID# 426</b><br>[426] Transcript of Proceedings, Pending Motions, Heard on September 2, 2021                                                                                                                                                                                                               |
| 09/17/2021 | <b>Notice Doc ID# 427</b><br>[427] Notice of Submission of Plaintiff's Proposed Voir Dire Questions                                                                                                                                                                                                                                              |
| 09/17/2021 | <b>Request for Judicial Notice Doc ID# 428</b><br>[428] Request for Judicial Notice                                                                                                                                                                                                                                                              |
| 09/18/2021 | <b>Order Doc ID# 429</b><br>[429] Discovery Commissioner's Report and Recommendations                                                                                                                                                                                                                                                            |
| 09/18/2021 | <b>Order Doc ID# 430</b><br>[430] Order to Strike                                                                                                                                                                                                                                                                                                |
| 09/20/2021 | <b>Jury Trial</b> (10:30 AM) (Judicial Officer Alf, Nancy)                                                                                                                                                                                                                                                                                       |

09/20/2021, 09/21/2021, 09/22/2021, 09/23/2021, 09/24/2021, 09/27/2021, 09/28/2021, 09/29/2021, 10/01/2021, 10/05/2021, 10/06/2021, 10/07/2021, 10/08/2021, 10/11/2021, 10/12/2021, 10/13/2021, 10/14/2021

[Parties Present](#)

[Minutes](#)

Result: Trial Continues

|            |                                                                                                                                                                                                                              |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 09/20/2021 | <b>Notice of Entry of Order</b> <b>Doc ID# 431</b><br>[431] Notice of Entry of Order Re: Discovery Commissioner's Report and Recommendations                                                                                 |
| 09/20/2021 | <b>Notice of Entry of Order</b> <b>Doc ID# 432</b><br>[432] Notice of Entry of Order to Strike                                                                                                                               |
| 09/20/2021 | <b>Order Granting Motion</b> <b>Doc ID# 433</b><br>[433] Order Granting Plaintiff's Motion In Limine No. 3                                                                                                                   |
| 09/20/2021 | <b>Order Granting Motion</b> <b>Doc ID# 434</b><br>[434] Order Granting Plaintiff's Motion In Limine No. 7 To Preclude Introduction Of Irrelevant Evidence From Receivership Action Case No A-12-672047-C                    |
| 09/20/2021 | <b>Order Denying Motion</b> <b>Doc ID# 435</b><br>[435] Order Denying Defendants Motion In Limine Number 2: To Preclude Mark D. Tharp From Providing Expert Testimony Regarding Claims Reserving And Suppression Of Reserves |
| 09/20/2021 | <b>Order</b> <b>Doc ID# 436</b><br>[436] Order Granting In Part And Denying In Part Defendants Objection To The Discovery Commissioner's Report And Recommendations On Order Shortening Time                                 |
| 09/20/2021 | <b>Order</b> <b>Doc ID# 437</b><br>[437] Order Granting In Part And Denying In Part Plaintiff's Motion In Limine No. 2                                                                                                       |
| 09/20/2021 | <b>Order</b> <b>Doc ID# 438</b><br>[438] Order Granting In Part And Denying In Part Plaintiff's Motion For Partial Summary Judgment As To U.S. Re Corporation                                                                |
| 09/20/2021 | <b>Order Denying Motion</b> <b>Doc ID# 439</b><br>[439] Order Denying Defendants Motion In Limine To Strike And Exclude Testimony Of Damages Expert Dr. Mark Kuga, Phd                                                       |
| 09/20/2021 | <b>Jury List</b> <b>Doc ID# 490</b><br>[490] Jury List                                                                                                                                                                       |
| 09/21/2021 | <b>Notice of Entry</b> <b>Doc ID# 440</b><br>[440] Notice of Entry of Order                                                                                                                                                  |
| 09/21/2021 | <b>Notice of Entry</b> <b>Doc ID# 441</b><br>[441] Notice of Entry of Order                                                                                                                                                  |
| 09/21/2021 | <b>Notice of Entry</b> <b>Doc ID# 442</b><br>[442] Notice of Entry of Order                                                                                                                                                  |
| 09/21/2021 | <b>Notice of Entry</b> <b>Doc ID# 443</b><br>[443] Notice of Entry of Order                                                                                                                                                  |
| 09/21/2021 | <b>Notice of Entry</b> <b>Doc ID# 444</b><br>[444] Notice of Entry of Order                                                                                                                                                  |
| 09/21/2021 | <b>Notice of Entry</b> <b>Doc ID# 445</b><br>[445] Notice of Entry of Order                                                                                                                                                  |
| 09/21/2021 | <b>Notice of Entry</b> <b>Doc ID# 446</b><br>[446] Notice of Entry of Order                                                                                                                                                  |
| 09/23/2021 | <b>Miscellaneous Filing</b> <b>Doc ID# 447</b><br>[447] Plaintiff's Second Supplemental Deposition Transcript Designations                                                                                                   |
| 09/24/2021 | <b>Order Denying Motion</b> <b>Doc ID# 448</b><br>[448] Order Denying Plaintiff's Motion In Limine Number 5 To Limit The Scope Of Expert Witness Testimony Regarding Speculation Concerning The Economy                      |
| 09/24/2021 | <b>Order Denying Motion</b> <b>Doc ID# 449</b><br>[449] Order Denying Plaintiff's Motion In Limine Number 4: To Preclude Any Reference To Reinsurance Estimates                                                              |
| 09/24/2021 | <b>Order Denying Motion</b> <b>Doc ID# 450</b><br>[450] Order Denying Plaintiff's Motion In Limine Number 1 To Preclude Sam Hewitt From Providing Expert Testimony Regarding Insolvency Analysis                             |
| 09/24/2021 | <b>Order Denying Motion</b> <b>Doc ID# 451</b><br>[451] Order Denying Plaintiff's Motion In Limine Number 6 To Strike Proffered Expert Witness Alan Gray                                                                     |
| 09/25/2021 | <b>Miscellaneous Filing</b> <b>Doc ID# 452</b><br>[452] Plaintiff's Third Supplemental Deposition Transcript Designations                                                                                                    |
| 09/26/2021 | <b>Request</b> <b>Doc ID# 453</b><br>[453] Request for Ruling Regarding Objections to Plaintiff's Designations of Deposition Testimony                                                                                       |
| 09/27/2021 | <b>Order Denying Motion</b> <b>Doc ID# 454</b><br>[454] Order Denying Plaintiff's Motion For Partial Summary Judgment Regarding Uni-Ter Defendants Breach Of Their Fiduciary Duties                                          |
| 09/27/2021 | <b>Request</b> <b>Doc ID# 455</b><br>[455] Request for Ruling Regarding Objections to Plaintiff's Designations of Deposition Testimony                                                                                       |
| 09/29/2021 | <b>Request</b> <b>Doc ID# 456</b><br>[456] Request for Judicial Notice                                                                                                                                                       |
| 09/30/2021 | <b>Supplemental</b> <b>Doc ID# 457</b><br>[457] Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp., and U.S. Re Corporations' Supplement to Deposition Transcript Designations                  |
| 09/30/2021 | <b>Notice of Entry of Order</b> <b>Doc ID# 458</b><br>[458] Notice of Entry of Order Denying Plaintiff's Motion in Limine No. 1: To Preclude Sam Hewitt from Providing Expert Testimony Regarding Insolvency Analysis        |
| 09/30/2021 | <b>Notice of Entry of Order</b> <b>Doc ID# 459</b><br>[459] Notice of Entry of Order Denying Plaintiff's Motion in Limine No. 4: To Preclude any Reference to Reinsurance Estimates                                          |
| 09/30/2021 | <b>Notice of Entry of Order</b> <b>Doc ID# 460</b><br>[460] Notice of Entry of Order Denying Plaintiff's Motion in Limine No 5: To Limit the Scope of Expert Witness Testimony Regarding Speculation Concerning the Economy  |
| 09/30/2021 | <b>Notice of Entry of Order</b> <b>Doc ID# 461</b><br>[461] Notice of Entry of Order Denying Plaintiff's Motion in Limine Number 6 to Strike Proffered Expert Witness Alan Gray                                              |
| 09/30/2021 | <b>Notice of Entry of Order</b> <b>Doc ID# 462</b><br>[462] Notice of Entry of Order Denying Plaintiff's Motion for Partial Summary Judgment Regarding Uni-Ter Defendants' Breach of Their Fiduciary Duties                  |
| 10/01/2021 | <b>Recorders Transcript of Hearing</b> <b>Doc ID# 463</b><br>[463] Partial Transcript of Proceedings, Jury Trial Testimony of Mark D. Tharp, Heard on September 28, 2021                                                     |
| 10/04/2021 | <b>Recorders Transcript of Hearing</b> <b>Doc ID# 464</b>                                                                                                                                                                    |

|            |                                                                                                                                                                                          |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <i>[464] Partial Transcript of Proceedings, Jury Trial - Opening Statements, Heard on September, 21, 2021</i>                                                                            |
| 10/04/2021 | <b>Recorders Transcript of Hearing Doc ID# 465</b>                                                                                                                                       |
|            | <i>[465] Transcript of Proceedings, Jury Trial - Day 9, Heard on October 1, 2021</i>                                                                                                     |
| 10/04/2021 | <b>Miscellaneous Filing Doc ID# 466</b>                                                                                                                                                  |
|            | <i>[466] Plaintiff's Fourth Supplemental Deposition Transcript Designations</i>                                                                                                          |
| 10/05/2021 | <b>Supplemental Doc ID# 467</b>                                                                                                                                                          |
|            | <i>[467] Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp., and U.S. Re Corporations' Second Supplement to Deposition Transcript Designations</i>          |
| 10/06/2021 | <b>Recorders Transcript of Hearing Doc ID# 468</b>                                                                                                                                       |
|            | <i>[468] Transcript of Proceedings, Jury Trial - Day 10, Heard on October 5, 2021</i>                                                                                                    |
| 10/07/2021 | <b>Jury List Doc ID# 469</b>                                                                                                                                                             |
|            | <i>[469] Amended Jury List</i>                                                                                                                                                           |
| 10/07/2021 | <b>Supplemental Doc ID# 470</b>                                                                                                                                                          |
|            | <i>[470] Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp., and U.S. Re Corporations' Third Supplement to Deposition Transcript Designations</i>           |
| 10/07/2021 | <b>Recorders Transcript of Hearing Doc ID# 471</b>                                                                                                                                       |
|            | <i>[471] Partial Transcript of Proceedings, Jury Trial - Direct Examination of Christine Sterling, Heard on September 22, 2021</i>                                                       |
| 10/07/2021 | <b>Recorders Transcript of Hearing Doc ID# 472</b>                                                                                                                                       |
|            | <i>[472] Partial Transcript of Proceedings, Jury Trial - Cross-Examination of Christine Sterling, Heard on September 23, 2021</i>                                                        |
| 10/07/2021 | <b>Recorders Transcript of Hearing Doc ID# 473</b>                                                                                                                                       |
|            | <i>[473] Partial Transcript of Proceedings, Jury Trial - Testimony of Brian Stiefel, Heard on September 24, 2021</i>                                                                     |
| 10/07/2021 | <b>Recorders Transcript of Hearing Doc ID# 474</b>                                                                                                                                       |
|            | <i>[474] Partial Transcript of Proceedings, Jury Trial - Testimony of Debra Kay Volk and Jonna Miller, Heard on September 27, 2021</i>                                                   |
| 10/08/2021 | <b>Supplement Doc ID# 475</b>                                                                                                                                                            |
|            | <i>[475] Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp., and U.S. Re Corporations' Fourth Supplement to Deposition Transcript Designations</i>          |
| 10/12/2021 | <b>Recorders Transcript of Hearing Doc ID# 476</b>                                                                                                                                       |
|            | <i>[476] Partial Transcript of Proceedings, Jury Trial - Examination of Mark Kuga, Heard on October 6, 2021</i>                                                                          |
| 10/12/2021 | <b>Recorders Transcript of Hearing Doc ID# 477</b>                                                                                                                                       |
|            | <i>[477] Partial Transcript of Proceedings, Jury Trial - Testimony of Jonna Miller, Heard on October 8, 2021</i>                                                                         |
| 10/12/2021 | <b>Miscellaneous Filing Doc ID# 478</b>                                                                                                                                                  |
|            | <i>[478] Plaintiff's Fifth Supplement to Deposition Transcript Designations</i>                                                                                                          |
| 10/13/2021 | <b>Supplement Doc ID# 479</b>                                                                                                                                                            |
|            | <i>[479] Plaintiff's Fifth Supplemental Deposition Transcript Designations</i>                                                                                                           |
| 10/13/2021 | <b>Order Granting Motion Doc ID# 480</b>                                                                                                                                                 |
|            | <i>[480] Order Granting Plaintiff's Requests for Judicial Notice</i>                                                                                                                     |
| 10/14/2021 | <b>Jury Instructions Doc ID# 481</b>                                                                                                                                                     |
|            | <i>[481] Plaintiff's Proposed Jury Instructions</i>                                                                                                                                      |
| 10/14/2021 | <b>Jury Instructions Doc ID# 482</b>                                                                                                                                                     |
|            | <i>[482] PLAINTIFF S PROPOSED JURY INSTRUCTIONS WITH CITATIONS</i>                                                                                                                       |
| 10/14/2021 | <b>Recorders Transcript of Hearing Doc ID# 483</b>                                                                                                                                       |
|            | <i>[483] Partial Transcript of Proceedings, Jury Trial - Day 6 Partial Cross-Examination and Redirect of Robert Greer, Heard on September 27, 2021</i>                                   |
| 10/14/2021 | <b>Jury Instructions Doc ID# 484</b>                                                                                                                                                     |
|            | <i>[484] Plaintiff's Proposed Jury Instructions with Citations</i>                                                                                                                       |
| 10/14/2021 | <b>Jury Instructions Doc ID# 485</b>                                                                                                                                                     |
|            | <i>[485] Plaintiff's Proposed Jury Instructions with Citations</i>                                                                                                                       |
| 10/14/2021 | <b>Jury Instructions Doc ID# 486</b>                                                                                                                                                     |
|            | <i>[486] Plaintiff's Proposed Jury Instructions</i>                                                                                                                                      |
| 10/14/2021 | <b>Jury Instructions Doc ID# 487</b>                                                                                                                                                     |
|            | <i>[487] PLAINTIFF S FINAL PROPOSED JURY INSTRUCTIONS WITH CITATIONS</i>                                                                                                                 |
| 10/14/2021 | <b>Amended Jury List Doc ID# 489</b>                                                                                                                                                     |
|            | <i>[489] 2nd Amended Jury List</i>                                                                                                                                                       |
| 10/14/2021 | <b>Verdict Doc ID# 491</b>                                                                                                                                                               |
|            | <i>[491] Verdict Form</i>                                                                                                                                                                |
| 10/14/2021 | <b>Jury Instructions Doc ID# 492</b>                                                                                                                                                     |
|            | <i>[492] Jury Instructions</i>                                                                                                                                                           |
| 10/15/2021 | <b>Notice of Entry Doc ID# 488</b>                                                                                                                                                       |
|            | <i>[488] Notice of Entry of Order</i>                                                                                                                                                    |
| 10/28/2021 | <b>Stipulation and Order Doc ID# 493</b>                                                                                                                                                 |
|            | <i>[493] Stipulation and Order to Extend Deadline to Submit Draft Judgment</i>                                                                                                           |
| 11/01/2021 | <b>Order Shortening Time Doc ID# 494</b>                                                                                                                                                 |
|            | <i>[494] Motion For Order Extending Time For Plaintiff To File Memorandum Of Costs On Order Shortening Time</i>                                                                          |
| 11/02/2021 | <b>Notice of Hearing Doc ID# 495</b>                                                                                                                                                     |
|            | <i>[495] Notice of Hearing</i>                                                                                                                                                           |
| 11/03/2021 | <b>Notice of Entry Doc ID# 496</b>                                                                                                                                                       |
|            | <i>[496] Notice of Entry of Order</i>                                                                                                                                                    |
| 11/08/2021 | <b>Stipulation and Order Doc ID# 497</b>                                                                                                                                                 |
|            | <i>[497] Stipulation and Order to Extend Deadline to Submit Draft Judgment Memorandum of Costs and Motion to Retax</i>                                                                   |
| 11/10/2021 | <b>CANCELED Motion for Order Extending Time (10:00 AM) (Judicial Officer Bell, Linda Marie)</b>                                                                                          |
|            | <i>Vacated - per Stipulation</i>                                                                                                                                                         |
|            | <i>Plaintiff s Motion For Order Extending Time For Plaintiff To File Memorandum Of Costs On Order Shortening Time</i>                                                                    |
| 11/10/2021 | <b>Order Shortening Time Doc ID# 498</b>                                                                                                                                                 |
|            | <i>[498] Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp., and U.S. Re Corporations' Motion for Order Excluding Interest Accrued During Stay Periods</i>  |
| 11/12/2021 | <b>Notice of Hearing Doc ID# 499</b>                                                                                                                                                     |
|            | <i>[499] Notice of Hearing</i>                                                                                                                                                           |
| 11/18/2021 | <b>Notice of Entry Doc ID# 500</b>                                                                                                                                                       |
|            | <i>[500] Notice of Entry of Order</i>                                                                                                                                                    |
| 11/23/2021 | <b>Opposition to Motion Doc ID# 501</b>                                                                                                                                                  |
|            | <i>[501] Plaintiff's Opposition to Defendants' Motion for Order to Exclude Interest Accrued During Stay Periods</i>                                                                      |
| 11/24/2021 | <b>Motion for Order (10:00 AM) (Judicial Officer Alf, Nancy)</b>                                                                                                                         |
|            | <i>Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp., and U.S. Re Corporations' Motion for Order Excluding Interest Accrued During Stay Periods on OST</i> |

[Parties Present](#)[Minutes](#)

Result: Granted

|            |                                                                                                                                                                                                                                                                          |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12/15/2021 | <b>Order Granting Motion</b> <b>Doc ID# 502</b><br>[502] Order Granting Motion to Exclude Interest, 12.15.21                                                                                                                                                             |
| 12/16/2021 | <b>Notice of Entry of Order</b> <b>Doc ID# 503</b><br>[503] Notice of Entry of Order Granting Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp., and U.S. Re Corporation's Motion for Order Excluding Interest Accrued During Stay Periods |
| 12/30/2021 | <b>Judgment on Jury Verdict</b> <b>Doc ID# 504</b><br>[504] Judgment on Jury Verdict                                                                                                                                                                                     |
| 01/06/2022 | <b>Notice of Withdrawal of Attorney</b> <b>Doc ID# 505</b><br>[505] Notice of Withdrawal of Counsel                                                                                                                                                                      |
| 01/10/2022 | <b>Recorders Transcript of Hearing</b> <b>Doc ID# 506</b><br>[506] Partial Transcript of Proceedings, Jury Trial - Day 2, Heard on September 21, 2021                                                                                                                    |
| 01/10/2022 | <b>Recorders Transcript of Hearing</b> <b>Doc ID# 507</b><br>[507] Partial Transcript of Proceedings, Jury Trial - Day 3, Heard on September 22, 2021                                                                                                                    |
| 01/10/2022 | <b>Recorders Transcript of Hearing</b> <b>Doc ID# 508</b><br>[508] Partial Transcript of Proceedings, Jury Trial - Day 4, Heard on September 23, 2021                                                                                                                    |
| 01/10/2022 | <b>Recorders Transcript of Hearing</b> <b>Doc ID# 509</b><br>[509] Partial Transcript of Proceedings, Jury Trial - Day 5, Heard on September 24, 2021                                                                                                                    |
| 01/10/2022 | <b>Recorders Transcript of Hearing</b> <b>Doc ID# 510</b><br>[510] Partial Transcript of Proceedings, Jury Trial - Day 6, Heard on September 27, 2021                                                                                                                    |
| 01/13/2022 | <b>Notice of Entry of Order</b> <b>Doc ID# 511</b><br>[511] Notice of Entry of Order                                                                                                                                                                                     |
| 01/24/2022 | <b>Application for Examination of Judgment Debtor</b> <b>Doc ID# 512</b><br>[512] Ex Parte Applicatin for Judgment Debtor Examination                                                                                                                                    |
| 02/03/2022 | <b>Order for Judgment Debtor Examination</b> <b>Doc ID# 513</b><br>[513] Order for Judgment Debtor Examination                                                                                                                                                           |
| 02/03/2022 | <b>Motion for Attorney Fees and Costs</b> <b>Doc ID# 514</b><br>[514] Motion for Attorney Fees and Costs                                                                                                                                                                 |
| 02/04/2022 | <b>Clerk's Notice of Hearing</b> <b>Doc ID# 515</b><br>[515] Notice of Hearing                                                                                                                                                                                           |
| 02/07/2022 | <b>Notice of Entry</b> <b>Doc ID# 516</b><br>[516] Notice of Entry of Order                                                                                                                                                                                              |
| 02/09/2022 | <b>Notice of Change of Address</b> <b>Doc ID# 517</b><br>[517] Notice of Change of Address                                                                                                                                                                               |
| 02/10/2022 | <b>Motion to Amend Judgment</b> <b>Doc ID# 518</b><br>[518] Defendant U.S. Re Corporation's Motion to Alter or Amend Judgment Pursuant to Rule 59(e), for Relief from Judgment and Pursuant to Rule 60(b), and for Stay of Execution Pursuant to 62(b)(3) and (4)        |
| 02/10/2022 | <b>Motion to Amend Judgment</b> <b>Doc ID# 519</b><br>[519] Plaintiff's Motion to Alter or Amend Judgment Pursuant to NRCP 59                                                                                                                                            |
| 02/11/2022 | <b>Clerk's Notice of Hearing</b> <b>Doc ID# 520</b><br>[520] Notice of Hearing                                                                                                                                                                                           |
| 02/11/2022 | <b>Clerk's Notice of Hearing</b> <b>Doc ID# 521</b><br>[521] Notice of Hearing                                                                                                                                                                                           |
| 02/12/2022 | <b>Memorandum of Costs and Disbursements</b> <b>Doc ID# 522</b><br>[522] Plaintiff's Verified Memorandum of Costs                                                                                                                                                        |
| 02/12/2022 | <b>Exhibits</b> <b>Doc ID# 523</b><br>[523] Part II of Exhibits to Plaintiff's Verified Memorandum of Costs                                                                                                                                                              |
| 02/14/2022 | <b>Notice of Withdrawal of Attorney</b> <b>Doc ID# 524</b><br>[524] Notice of Withdrawal of Counsel for Defendants Uni-Ter Underwriting Management Corp. and Uni-Ter Claims Services Corp.                                                                               |
| 02/14/2022 | <b>Notice of Withdrawal of Attorney</b> <b>Doc ID# 525</b><br>[525] Notice of Withdrawal of Counsel for Defendants Uni-Ter Underwriting Management Corp. and Uni-Ter Claims Services Corp.                                                                               |
| 02/14/2022 | <b>Errata</b> <b>Doc ID# 526</b><br>[526] Errata to Plaintiff's Verified Memorandum of Costs                                                                                                                                                                             |
| 02/14/2022 | <b>Exhibits</b> <b>Doc ID# 527</b><br>[527] Part IV of Exhibits Errata to Plaintiff's Verified Memorandum of Costs                                                                                                                                                       |
| 02/14/2022 | <b>Exhibits</b> <b>Doc ID# 528</b><br>[528] Part V of Exhibits Errata to Plaintiff's Verified Memorandum of Costs                                                                                                                                                        |
| 02/14/2022 | <b>Notice of Appeal</b> <b>Doc ID# 529</b><br>[529] Notice of Appeal                                                                                                                                                                                                     |
| 02/15/2022 | <b>Exhibits</b> <b>Doc ID# 530</b><br>[530] Exhibits to Plaintiff's Verified Memorandum of Costs (Part 3-A)                                                                                                                                                              |
| 02/15/2022 | <b>Exhibits</b> <b>Doc ID# 531</b><br>[531] Exhibits to Plaintiff's Verified Memorandum of Costs (Part 3-B)                                                                                                                                                              |
| 02/15/2022 | <b>Exhibits</b> <b>Doc ID# 532</b><br>[532] Exhibits to Plaintiff's Verified Memorandum of Costs (Part 3-C)                                                                                                                                                              |
| 02/15/2022 | <b>Exhibits</b> <b>Doc ID# 533</b><br>[533] Exhibits to Plaintiff's Verified Memorandum of Costs (Part 3-D)                                                                                                                                                              |
| 02/17/2022 | <b>Stipulation and Order</b> <b>Doc ID# 534</b><br>[534] Stipulation and Order to Extend Response Deadline and Continue Hearing, 2.17.22                                                                                                                                 |
| 02/17/2022 | <b>Notice of Entry of Stipulation and Order</b> <b>Doc ID# 535</b><br>[535] Notice of Entry of Stipulation and Order to Extend Response Deadline and Continue Hearing                                                                                                    |
| 02/24/2022 | <b>Stipulation and Order</b> <b>Doc ID# 536</b><br>[536] Stipulation and Order to Extend Response Deadlines and Continue Hearing                                                                                                                                         |
| 02/25/2022 | <b>Notice of Appeal</b> <b>Doc ID# 537</b><br>[537] Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Notice of Appeal                                                                              |
| 02/25/2022 | <b>Case Appeal Statement</b> <b>Doc ID# 538</b><br>[538] Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Case Appeal Statement                                                                    |
| 02/28/2022 | <b>Notice of Entry of Stipulation and Order</b> <b>Doc ID# 539</b><br>[539] Notice of Entry of Stipulation and Order to Extend Response Deadlines and Continue Hearing                                                                                                   |
| 03/03/2022 | <b>Notice</b> <b>Doc ID# 540</b>                                                                                                                                                                                                                                         |



03/03/2022 [540] Notice of Change of Address  
**Stipulation and Order Doc ID# 541**  
[541] Stipulation and Order to Extend Response Deadline and Continue Hearing (Second Request) 030322

03/03/2022 **Notice of Entry of Stipulation and Order Doc ID# 542**  
[542] Notice of Entry of Stipulation and Order to Extend Response Deadlines and Continue Hearing

03/07/2022 **Stipulation and Order Doc ID# 543**  
[543] Stipulation And Order To Move Judgment Debtor Examination

03/10/2022 **Notice of Filing Cost Bond Doc ID# 544**  
[544] Notice of Filing Cost Bond on Appeal

03/10/2022 **Case Appeal Statement Doc ID# 545**  
[545] Case Appeal Statement

03/15/2022 **Notice of Entry Doc ID# 546**  
[546] Notice of Entry of Order

03/15/2022 **Recorders Transcript of Hearing Doc ID# 547**  
[547] Partial Transcript of Proceedings, Jury Trial - Testimony of Sanford Elsass, Heard on September 27, 2021

03/15/2022 **Recorders Transcript of Hearing Doc ID# 548**  
[548] Partial Transcript of Proceedings, Jury Trial - Testimony of Richard Decoux, Heard on October 11, 2021

03/15/2022 **Recorders Transcript of Hearing Doc ID# 549**  
[549] Partial Transcript of Proceedings, Jury Trial - Testimony of Samuel Jackson Hewitt, Heard on October 11, 2021

03/15/2022 **Recorders Transcript of Hearing Doc ID# 550**  
[550] Partial Transcript of Proceedings, Jury Trial - Testimony of Mark Tharp, Heard on October 12, 2021

03/15/2022 **Recorders Transcript of Hearing Doc ID# 551**  
[551] Partial Transcript of Proceedings, Jury Trial - Testimony of Dr. Mark Kuga, Heard on October 13, 2021

03/15/2022 **Recorders Transcript of Hearing Doc ID# 552**  
[552] Partial Transcript of Proceedings, Jury Trial - Verdict, Heard on October 14, 2021

03/16/2022 **Motion to Retax Doc ID# 553**  
[553] Motion to Retax Memorandum of Costs

03/17/2022 **Clerk's Notice of Hearing Doc ID# 554**  
[554] Notice of Hearing

03/17/2022 **Stipulation and Order Doc ID# 555**  
[555] Stipulation and Order to Extend Response Deadline and Continue Hearing (Third Request) 031722

03/28/2022 **Stipulation and Order Doc ID# 556**  
[556] Stipulation And Order Regarding Pending Deadlines And Hearings

03/29/2022 **Notice of Entry Doc ID# 557**  
[557] Notice of Entry of Order

03/31/2022 **Motion to Amend Doc ID# 558**  
[558] Plaintiff's Motion to Amend Pleadings to Conform them to the Evidence

04/01/2022 **Clerk's Notice of Hearing Doc ID# 559**  
[559] Notice of Hearing

05/02/2022 **Motion to Amend (3:00 AM) (Judicial Officer Alf, Nancy)**  
Plaintiff's Motion to Amend Pleadings to Conform them to the Evidence  
[Minutes](#)  
05/11/2022 Reset by Court to 05/02/2022  
Result: Granted

05/18/2022 **Order Granting Motion Doc ID# 560**  
[560] Order Granting Motion To Amend Pleadings To Conform Them To The Evidence

05/19/2022 **Stipulation and Order Doc ID# 561**  
[561] Stipulation and Order Regarding Pending Deadlines and Hearings

05/20/2022 **Notice of Entry Doc ID# 562**  
[562] Notice of Entry of Order

05/20/2022 **Notice of Entry Doc ID# 563**  
[563] Notice of Entry of Order

06/08/2022 **NV Supreme Court Clerks Certificate/Judgment - Dismissed Doc ID# 564**  
[564] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed

07/05/2022 **NV Supreme Court Clerks Certificate/Judgment - Dismissed Doc ID# 565**  
[565] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed

08/24/2022 **Opposition to Motion Doc ID# 566**  
[566] Plaintiff's Opposition to US Re's Motion to Alter or Amend the Judgment and for a Stay of Execution

08/25/2022 **Certificate of Service Doc ID# 567**  
[567] Certificate of Service

08/26/2022 **Opposition to Motion Doc ID# 568**  
[568] Plaintiff's Opposition to Motion to Retax Memorandum of Costs

08/30/2022 **Court Recorders Invoice for Transcript Doc ID# 569**  
[569]

09/07/2022 **Motion for Attorney Fees and Costs (10:30 AM) (Judicial Officer Alf, Nancy)**  
Motion for Attorney Fees and Costs  
03/09/2022 Reset by Court to 03/30/2022  
03/30/2022 Continued to 04/13/2022 - At the Request of Counsel - Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark; U S Re Corporation; Uni-Ter Claims Services Corp; Uni-Ter Underwriting Management Corp  
04/13/2022 Reset by Court to 03/17/2022  
05/05/2022 Reset by Court to 06/09/2022  
06/09/2022 Reset by Court to 09/07/2022  
Result: Granted in Part

09/07/2022 **Motion (10:30 AM) (Judicial Officer Alf, Nancy)**  
Defendant U.S. Re Corporation's Motion to Alter or Amend Judgment Pursuant to Rule 59(e), for Relief from Judgment and Pursuant to Rule 60(b), and for Stay of Execution Pursuant to 62(b)(3) and (4)  
03/16/2022 Reset by Court to 04/20/2022  
04/20/2022 Reset by Court to 06/09/2022  
05/19/2022 Reset by Court to 09/07/2022  
06/09/2022 Reset by Court to 05/19/2022

Result: Off Calendar

09/07/2022 **Motion to Amend** (10:30 AM) (Judicial Officer Allf, Nancy)  
*Plaintiff's Motion to Alter or Amend Judgment Pursuant to NRCP 59*  
 03/16/2022 Reset by Court to 04/20/2022  
 04/20/2022 Reset by Court to 06/09/2022  
 06/09/2022 Reset by Court to 09/07/2022

Result: Granted

09/07/2022 **Motion to Retax** (10:30 AM) (Judicial Officer Allf, Nancy)  
*Defendant's Motion to Retax Memorandum of Costs*  
 04/20/2022 Reset by Court to 06/09/2022  
 06/09/2022 Reset by Court to 09/07/2022

Result: Granted in Part

09/07/2022 **All Pending Motions** (10:30 AM) (Judicial Officer Allf, Nancy)  
[Parties Present](#)  
[Minutes](#)

Result: Matter Heard

09/09/2022 **Court Recorders Invoice for Transcript** Doc ID# 570  
 [570]

09/09/2022 **Recorders Transcript of Hearing** Doc ID# 571  
 [571] Transcript of Proceedings, All Pending Motions, Heard on September 7, 2022

10/07/2022 **Supplement** Doc ID# 572  
 [572] Supplement to Errata to Plaintiff's Verified Memorandum of Costs

10/07/2022 **Motion to Seal/Redact Records** Doc ID# 573  
 [573] Plaintiff's Motion to File Appendix to Supplement to Motion for Attorneys' Fees and Costs Under Seal

10/07/2022 **Temporary Seal Pending Court Approval** Doc ID# 574  
 [574] Appendix of Exhibits to Supplement to Motion for Attorneys' Fees and Costs

10/07/2022 **Supplement** Doc ID# 575  
 [575] Supplement to Motion for Attorney Fees and Costs

10/18/2022 **Order Granting Motion** Doc ID# 576  
 [576] Order Granting Plaintiff's Motion to Alter or Amend Judgment

10/18/2022 **Order** Doc ID# 577  
 [577] Order Regarding Attorney Fees and Costs

10/19/2022 **Notice of Entry** Doc ID# 578  
 [578] Notice of Entry of Order

10/19/2022 **Notice of Entry** Doc ID# 579  
 [579] Notice of Entry of Order

10/21/2022 **Order Shortening Time** Doc ID# 580  
 [580] Motion to Dismiss and Enforce Settlement Agreement on OST, 10.18.22

10/31/2022 **Notice of Entry of Order** Doc ID# 581  
 [581] Notice of Entry of Order Shortening Time Re: Motion to Dismiss and Enforce Settlement Agreement

11/03/2022 **Clerk's Notice of Nonconforming Document** Doc ID# 582  
 [582] Clerk's Notice of Nonconforming Document

11/04/2022 **Opposition** Doc ID# 583  
 [583] OPPOSITION TO U.S. RES MOTION TO DISMISS AND ENFORCE SETTLEMENT AGREEMENT

11/07/2022 **Clerk's Notice of Nonconforming Document and Curative Action** Doc ID# 584  
 [584] Clerk's Notice of Curative Action

11/08/2022 **Status Check** (3:00 AM) (Judicial Officer Allf, Nancy)  
 Status Check: Rulings on Outstanding Issues  
[Minutes](#)

Result: Minute Order - No Hearing Held

11/08/2022 **Clerk's Notice of Hearing** Doc ID# 585  
 [585] Notice of Hearing

11/09/2022 **Reply in Support** Doc ID# 586  
 [586] Reply in Support of Motion to Dismiss and Enforce Settlement Agreement

11/09/2022 **Notice of Appeal** Doc ID# 587  
 [587] Notice of Appeal

11/10/2022 **Motion to Dismiss** (10:00 AM) (Judicial Officer Allf, Nancy)  
 Motion to Dismiss and Enforce Settlement Agreement on OST  
[Minutes](#)

Result: Off Calendar

11/10/2022 **Audiovisual Transmission Equipment Appearance Request** Doc ID# 588  
 [588] NOTICE OF INTENT OF AUDIOVISUAL TRANSMISSION EQUIPMENT APPEARANCE

11/18/2022 **Notice of Appeal** Doc ID# 589  
 [589] Amended Notice of Appeal

11/21/2022 **Court Recorders Invoice for Transcript** Doc ID# 590  
 [590] Plaintiff

11/21/2022 **Court Recorders Invoice for Transcript** Doc ID# 591  
 [591] Defendant

11/21/2022 **Notice of Appeal** Doc ID# 592  
 [592] Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Notice of Appeal

11/21/2022 **Case Appeal Statement** Doc ID# 593  
 [593]

11/23/2022 **Amended Notice of Appeal** Doc ID# 594  
 [594] ROBERT CHUR, STEVE FOGG, MARK GARBER, CAROL HARTER, ROBERT HURLBUT, BARBARA LUMPKIN, JEFF MARSHALL, AND ERIC STICKELS AMENDED NOTICE OF APPEAL

11/25/2022 **Case Appeal Statement** Doc ID# 595  
 [595] Case Appeal Statement

11/29/2022 **Order** Doc ID# 596  
 [596] 2022.11.29 - Order on Motion to Dismiss - LC

11/30/2022 **Clerk's Refund Request** Doc ID# 597

|            |                                                                                                                                                                                                                                                                                                                        |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <a href="#">[597]</a> \$20.00 Hutchings Law Group                                                                                                                                                                                                                                                                      |
| 11/30/2022 | <b>Notice of Entry</b> <b>Doc ID# 598</b><br><a href="#">[598]</a> Notice of Entry of Order                                                                                                                                                                                                                            |
| 12/02/2022 | <b>Order</b> <b>Doc ID# 599</b><br><a href="#">[599]</a> Order Granting Attorney Fees and Costs                                                                                                                                                                                                                        |
| 12/02/2022 | <b>Notice of Entry</b> <b>Doc ID# 600</b><br><a href="#">[600]</a> Notice of Entry of Order                                                                                                                                                                                                                            |
| 12/05/2022 | <b>Recorders Transcript of Hearing</b> <b>Doc ID# 601</b><br><a href="#">[601]</a> Transcript of Hearing RE: Motion to Dismiss and Enforce Settlement Agreement, Heard on November 10, 2022                                                                                                                            |
| 12/13/2022 | <b>Motion to Seal/Redact Records</b> (3:00 AM) (Judicial Officer Allf, Nancy)<br>Plaintiff's Motion to File Appendix to Supplement to Motion for Attorneys' Fees and Costs Under Seal<br><a href="#">Minutes</a><br>Result: Granted                                                                                    |
| 12/14/2022 | <b>Motion to Reconsider</b> <b>Doc ID# 602</b><br><a href="#">[602]</a> Defendant U.S. Re Corporation's Motion for Reconsideration of Order Denying Motion to Dismiss and Enforce Settlement Agreement                                                                                                                 |
| 12/15/2022 | <b>Clerk's Notice of Hearing</b> <b>Doc ID# 603</b><br><a href="#">[603]</a> Notice of Hearing                                                                                                                                                                                                                         |
| 12/16/2022 | <b>Motion to Reconsider</b> <b>Doc ID# 604</b><br><a href="#">[604]</a> Defendant U.S. Re Corporation's Motion for Reconsideration of Order Granting Motion for Attorney Fees and Costs                                                                                                                                |
| 12/19/2022 | <b>Clerk's Notice of Hearing</b> <b>Doc ID# 605</b><br><a href="#">[605]</a> Notice of Hearing                                                                                                                                                                                                                         |
| 12/28/2022 | <b>Opposition</b> <b>Doc ID# 606</b><br><a href="#">[606]</a> Opposition to Defendant US Re's Motion for Reconsideration of Order Denying Motion to Dismiss and Enforce Settlement Agreement                                                                                                                           |
| 12/30/2022 | <b>Notice of Appeal</b> <b>Doc ID# 607</b><br><a href="#">[607]</a> Notice of Appeal                                                                                                                                                                                                                                   |
| 12/30/2022 | <b>Opposition to Motion</b> <b>Doc ID# 608</b><br><a href="#">[608]</a> Opposition to Defendant US Re's Motion for Reconsideration of Order Granting Motion for Attorney Fees and Costs                                                                                                                                |
| 01/10/2023 | <b>Reply in Support</b> <b>Doc ID# 609</b><br><a href="#">[609]</a> Reply in Support of Defendant U.S. Re Corporation's Motion for Reconsideration of Order Denying Motion to Dismiss and Enforce Settlement Agreement                                                                                                 |
| 01/13/2023 | <b>Order Setting Hearing</b> <b>Doc ID# 610</b><br><a href="#">[610]</a> Order Setting Hearing                                                                                                                                                                                                                         |
| 01/20/2023 | <b>Stipulation and Order</b> <b>Doc ID# 611</b><br><a href="#">[611]</a> Stipulation and Order to Continue Hearing                                                                                                                                                                                                     |
| 01/20/2023 | <b>Notice of Entry of Stipulation and Order</b> <b>Doc ID# 612</b><br><a href="#">[612]</a> Notice of Entry of Stipulation and Order to Continue Hearing                                                                                                                                                               |
| 02/09/2023 | <b>Reply in Support</b> <b>Doc ID# 613</b><br><a href="#">[613]</a> Reply in Support of US Re's Motion for Reconsideration of Order Granting Motion for Attorney Fees and Costs                                                                                                                                        |
| 02/14/2023 | <b>Audiovisual Transmission Equipment Appearance Request</b> <b>Doc ID# 614</b><br><a href="#">[614]</a> NOTICE OF INTENT OF AUDIOVISUAL TRANSMISSION EQUIPMENT APPEARANCE                                                                                                                                             |
| 02/16/2023 | <b>Motion For Reconsideration</b> (10:00 AM) (Judicial Officer Allf, Nancy)<br>Defendant U.S. Re Corporation's Motion for Reconsideration of Order Denying Motion to Dismiss and Enforce Settlement Agreement<br>01/17/2023 Reset by Court to 02/02/2023<br>02/02/2023 Reset by Court to 02/16/2023<br>Result: Granted |
| 02/16/2023 | <b>Motion For Reconsideration</b> (10:00 AM) (Judicial Officer Allf, Nancy)<br>Defendant U.S. Re Corporation's Motion for Reconsideration of Order Granting Motion for Attorney Fees and Costs<br>01/24/2023 Reset by Court to 02/02/2023<br>02/02/2023 Reset by Court to 02/16/2023<br>Result: Motion Not Addressed   |
| 02/16/2023 | <b>All Pending Motions</b> (10:00 AM) (Judicial Officer Allf, Nancy)<br><a href="#">Parties Present</a><br><a href="#">Minutes</a><br>Result: Matter Heard                                                                                                                                                             |
| 03/01/2023 | <b>Status Report</b> <b>Doc ID# 615</b><br><a href="#">[615]</a> Defendant U.S. Re Corporation's Status Report in Advance of March 2, 2023 Chambers Calendar                                                                                                                                                           |
| 03/01/2023 | <b>Status Report</b> <b>Doc ID# 616</b><br><a href="#">[616]</a> Plaintiff's Status Report in Advance of March 2, 2023 Chambers Calendar                                                                                                                                                                               |
| 03/07/2023 | <b>Status Check</b> (3:00 AM) (Judicial Officer Allf, Nancy)<br>Status Check: Decision re Defendant U.S. Re Corporation's Motion for Reconsideration of Order Denying Motion to Dismiss and Enforce Settlement Agreement<br><a href="#">Minutes</a><br>Result: Matter Continued                                        |
| 03/23/2023 | <b>Request</b> <b>Doc ID# 617</b><br><a href="#">[617]</a> Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels Request for Transcript of Proceedings                                                                                      |
| 04/05/2023 | <b>Court Recorders Invoice for Transcript</b> <b>Doc ID# 618</b><br><a href="#">[618]</a>                                                                                                                                                                                                                              |
| 04/05/2023 | <b>Request</b> <b>Doc ID# 619</b><br><a href="#">[619]</a> Plaintiff's Request for Transcript of Proceedings                                                                                                                                                                                                           |
| 04/05/2023 | <b>Request</b> <b>Doc ID# 620</b><br><a href="#">[620]</a> Plaintiff's Request for Transcript of Proceedings                                                                                                                                                                                                           |
| 04/07/2023 | <b>Status Report</b> <b>Doc ID# 621</b><br><a href="#">[621]</a> Defendant U.S. Re Corporation's Status Report in Advance of April 11, 2023 Chambers Calendar                                                                                                                                                          |
| 04/10/2023 | <b>Status Report</b> <b>Doc ID# 622</b><br><a href="#">[622]</a> Plaintiff's Status Report in Advance of April 11, 2023 Chambers Calendar                                                                                                                                                                              |
| 04/11/2023 | <b>Order Scheduling Status Check</b> <b>Doc ID# 623</b><br><a href="#">[623]</a> Status Check                                                                                                                                                                                                                          |
| 04/12/2023 | <b>Order</b> <b>Doc ID# 624</b><br><a href="#">[624]</a> Order on Motions for Reconsideration                                                                                                                                                                                                                          |

04/12/2023 **Notice of Entry Doc ID# 625**  
[625] Notice of Entry of Order

04/17/2023 **Court Recorders Invoice for Transcript Doc ID# 626**  
[626]

04/26/2023 **Court Recorders Invoice for Transcript Doc ID# 627**  
[627] 1/24/19 & 11/24/21

05/02/2023 **Order Shortening Time Doc ID# 628**  
[628] Emergency Request for Status Conference on Order Shortening Time, 4.28.23

05/02/2023 **Notice of Entry of Order Doc ID# 629**  
[629] Notice of Entry of Order Shortening Time Re: Emergency Request for Status Conference

05/08/2023 **Response Doc ID# 630**  
[630] Plaintiff's Response to U.S. Re's Emergency Request for Status Conference

05/10/2023 **Reply in Support Doc ID# 631**  
[631] Reply in Support of Emergency Request for Status Conference on Order Shortening Time

05/11/2023 **Status Conference (1:30 PM) (Judicial Officer Alf, Nancy)**  
Status Conference on OST  
[Parties Present](#)  
[Minutes](#)  
05/22/2023 Reset by Court to 05/11/2023  
Result: Matter Heard

05/11/2023 **Audiovisual Transmission Equipment Appearance Request Doc ID# 632**  
[632] Notice of Intent of Audiovisual Transmission Equipment Appearance

05/18/2023 **Court Recorders Invoice for Transcript Doc ID# 633**  
[633]

05/18/2023 **Court Recorders Invoice for Transcript Doc ID# 634**  
[634]

05/19/2023 **Recorders Transcript of Hearing Doc ID# 635**  
[635] Transcript of Proceedings, Status Conference on OST, Heard on May 11, 2023

05/19/2023 **Recorders Transcript of Hearing Doc ID# 636**  
[636] Transcript of Proceedings, Plaintiff's Motion for Substitution of Deceased Party Pursuant to NRCP 25(a), Heard on January 24, 2019

05/19/2023 **Recorders Transcript of Hearing Doc ID# 637**  
[637] Transcript of Proceedings, Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp., and U.S. Re Corporations' Motion for Order Excluding Interest Accrued During Stay Periods on OST, Heard on November 24, 2021

05/19/2023 **Order Shortening Time Doc ID# 638**  
[638] Motion to Vacate Order Denying Motions for Reconsideration

05/19/2023 **Notice of Entry of Order Doc ID# 639**  
[639] Notice of Entry of Order Shortening Time Re: Motion to Vacate Order Denying Motions for Reconsideration

05/30/2023 **Counter-motion Doc ID# 640**  
[640] Plaintiff's Response to US Re's Motion to Vacate Order Denying Motions for Reconsideration on OST and Counter-motion for Sanctions for US Re's Violation of NRS 48.105

06/01/2023 **Reply in Support Doc ID# 641**  
[641] Reply in Support of Motion to Vacate Order Denying Motions for Reconsideration and Opposition to Counter-motion for Sanctions

06/08/2023 **CANCELED Status Check (11:00 AM) (Judicial Officer Alf, Nancy)**  
Vacated

06/08/2023 **Motion to Vacate (10:00 AM) (Judicial Officer Alf, Nancy)**  
Motion to Vacate Order Denying Motions for Reconsideration on Order Shortening Time  
06/08/2023 Reset by Court to 06/08/2023  
Result: Granted

06/08/2023 **Counter-motion (10:00 AM) (Judicial Officer Alf, Nancy)**  
Plaintiff's Response to US Re's Motion to Vacate Order Denying Motions for Reconsideration on OST and Counter-motion for Sanctions for US Re's Violation of NRS 48.105  
06/08/2023 Reset by Court to 06/08/2023  
Result: Denied

06/08/2023 **All Pending Motions (10:00 AM) (Judicial Officer Alf, Nancy)**  
[Parties Present](#)  
[Minutes](#)  
Result: Matter Heard

06/12/2023 **Notice Doc ID# 642**  
[642] Notice of Change of Address

06/13/2023 **Court Recorders Invoice for Transcript Doc ID# 643**  
[643]

06/13/2023 **Recorders Transcript of Hearing Doc ID# 644**  
[644] Transcript of Proceedings, All Pending Motions, Heard on June 8, 2023

06/29/2023 **Order Granting Motion Doc ID# 645**  
[645] Order Granting U.S. Re's Motion to Vacate Court's Order Denying Motions for Reconsideration and Denying Receiver's Counter-motion for Sanctions, 6.28.23

06/29/2023 **Notice of Entry of Order Doc ID# 646**  
[646] Notice of Entry of Order Granting Defendant U.S. Re Corporation's Motion to Vacate Order Denying Motions for Reconsideration and Denying Plaintiff's Counter-motion for Sanctions for U.S. Re's Violation of NRS 48.105

06/30/2023 **Order Doc ID# 647**  
[647] Satisfaction of Judgment 6.29.23

06/30/2023 **Notice of Entry of Order Doc ID# 648**  
[648] Notice of Entry of Satisfaction of Judgment

## FINANCIAL INFORMATION

Defendant Chur, Robert  
Total Financial Assessment

501.00

32

|            |                                     |                            |                   |             |
|------------|-------------------------------------|----------------------------|-------------------|-------------|
|            | Total Payments and Credits          |                            |                   | 501.00      |
|            | <b>Balance Due as of 07/07/2023</b> |                            |                   | <b>0.00</b> |
| 07/01/2015 | Transaction Assessment              |                            |                   | 223.00      |
| 07/01/2015 | Efile Payment                       | Receipt # 2015-68910-CCCLK | Chur, Robert      | (223.00)    |
| 07/01/2015 | Transaction Assessment              |                            |                   | 135.00      |
| 07/01/2015 | Efile Payment                       | Receipt # 2015-68918-CCCLK | Chur, Robert      | (135.00)    |
| 11/16/2018 | Transaction Assessment              |                            |                   | 3.50        |
| 11/16/2018 | Efile Payment                       | Receipt # 2018-76436-CCCLK | Chur, Robert      | (3.50)      |
| 11/30/2018 | Transaction Assessment              |                            |                   | 3.50        |
| 11/30/2018 | Efile Payment                       | Receipt # 2018-79142-CCCLK | Chur, Robert      | (3.50)      |
| 12/04/2018 | Transaction Assessment              |                            |                   | 3.50        |
| 12/04/2018 | Efile Payment                       | Receipt # 2018-79980-CCCLK | Chur, Robert      | (3.50)      |
| 01/07/2019 | Transaction Assessment              |                            |                   | 3.50        |
| 01/07/2019 | Efile Payment                       | Receipt # 2019-00759-CCCLK | Chur, Robert      | (3.50)      |
| 03/08/2019 | Transaction Assessment              |                            |                   | 3.50        |
| 03/08/2019 | Efile Payment                       | Receipt # 2019-14901-CCCLK | Chur, Robert      | (3.50)      |
| 03/12/2019 | Transaction Assessment              |                            |                   | 27.50       |
| 03/12/2019 | Efile Payment                       | Receipt # 2019-15750-CCCLK | Chur, Robert      | (27.50)     |
| 03/13/2019 | Transaction Assessment              |                            |                   | 3.50        |
| 03/13/2019 | Efile Payment                       | Receipt # 2019-16056-CCCLK | Chur, Robert      | (3.50)      |
| 03/25/2019 | Transaction Assessment              |                            |                   | 3.50        |
| 03/25/2019 | Efile Payment                       | Receipt # 2019-18559-CCCLK | Chur, Robert      | (3.50)      |
| 04/04/2019 | Transaction Assessment              |                            |                   | 3.50        |
| 04/04/2019 | Efile Payment                       | Receipt # 2019-20980-CCCLK | Chur, Robert      | (3.50)      |
| 04/12/2019 | Transaction Assessment              |                            |                   | 3.50        |
| 04/12/2019 | Efile Payment                       | Receipt # 2019-23007-CCCLK | Chur, Robert      | (3.50)      |
| 05/10/2019 | Transaction Assessment              |                            |                   | 3.50        |
| 05/10/2019 | Efile Payment                       | Receipt # 2019-28904-CCCLK | Chur, Robert      | (3.50)      |
| 05/16/2019 | Transaction Assessment              |                            |                   | 3.50        |
| 05/16/2019 | Efile Payment                       | Receipt # 2019-30274-CCCLK | Chur, Robert      | (3.50)      |
| 07/09/2019 | Transaction Assessment              |                            |                   | 3.50        |
| 07/09/2019 | Efile Payment                       | Receipt # 2019-41540-CCCLK | Chur, Robert      | (3.50)      |
| 03/23/2020 | Transaction Assessment              |                            |                   | 3.50        |
| 03/23/2020 | Efile Payment                       | Receipt # 2020-17306-CCCLK | Chur, Robert      | (3.50)      |
| 04/08/2020 | Transaction Assessment              |                            |                   | 3.50        |
| 04/08/2020 | Efile Payment                       | Receipt # 2020-19566-CCCLK | Chur, Robert      | (3.50)      |
| 06/17/2020 | Transaction Assessment              |                            |                   | 3.50        |
| 06/17/2020 | Efile Payment                       | Receipt # 2020-32109-CCCLK | Chur, Robert      | (3.50)      |
| 02/25/2022 | Transaction Assessment              |                            |                   | 24.00       |
| 02/25/2022 | Efile Payment                       | Receipt # 2022-11543-CCCLK | Chur, Robert      | (24.00)     |
| 11/21/2022 | Transaction Assessment              |                            |                   | 24.00       |
| 11/21/2022 | Efile Payment                       | Receipt # 2022-67805-CCCLK | Chur, Robert      | (24.00)     |
| 04/05/2023 | Transaction Assessment              |                            |                   | 15.00       |
| 04/05/2023 | Online Payment                      | Receipt # 2023-21489-CCCLK | Lipson Neilson PC | (15.00)     |

|  |                                     |  |  |             |
|--|-------------------------------------|--|--|-------------|
|  | <b>Defendant Fogg, Steve</b>        |  |  |             |
|  | Total Financial Assessment          |  |  | 30.00       |
|  | Total Payments and Credits          |  |  | 30.00       |
|  | <b>Balance Due as of 07/07/2023</b> |  |  | <b>0.00</b> |

|            |                        |                            |             |         |
|------------|------------------------|----------------------------|-------------|---------|
| 07/01/2015 | Transaction Assessment |                            |             | 30.00   |
| 07/01/2015 | Efile Payment          | Receipt # 2015-68911-CCCLK | Fogg, Steve | (30.00) |

|  |                                     |  |  |             |
|--|-------------------------------------|--|--|-------------|
|  | <b>Defendant Garber, Mark</b>       |  |  |             |
|  | Total Financial Assessment          |  |  | 30.00       |
|  | Total Payments and Credits          |  |  | 30.00       |
|  | <b>Balance Due as of 07/07/2023</b> |  |  | <b>0.00</b> |

|            |                        |                            |              |         |
|------------|------------------------|----------------------------|--------------|---------|
| 07/01/2015 | Transaction Assessment |                            |              | 30.00   |
| 07/01/2015 | Efile Payment          | Receipt # 2015-68912-CCCLK | Garber, Mark | (30.00) |

|  |                                     |  |  |             |
|--|-------------------------------------|--|--|-------------|
|  | <b>Defendant Harter, Carol</b>      |  |  |             |
|  | Total Financial Assessment          |  |  | 30.00       |
|  | Total Payments and Credits          |  |  | 30.00       |
|  | <b>Balance Due as of 07/07/2023</b> |  |  | <b>0.00</b> |

|            |                        |                            |               |         |
|------------|------------------------|----------------------------|---------------|---------|
| 07/01/2015 | Transaction Assessment |                            |               | 30.00   |
| 07/01/2015 | Efile Payment          | Receipt # 2015-68913-CCCLK | Harter, Carol | (30.00) |

|  |                                     |  |  |             |
|--|-------------------------------------|--|--|-------------|
|  | <b>Defendant Hurlbut, Robert</b>    |  |  |             |
|  | Total Financial Assessment          |  |  | 30.00       |
|  | Total Payments and Credits          |  |  | 30.00       |
|  | <b>Balance Due as of 07/07/2023</b> |  |  | <b>0.00</b> |

|            |                        |  |  |       |
|------------|------------------------|--|--|-------|
| 07/01/2015 | Transaction Assessment |  |  | 30.00 |
|------------|------------------------|--|--|-------|

|            |                                                                                                                                                          |                            |                                      |                                     |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|--------------------------------------|-------------------------------------|
| 07/01/2015 | Efile Payment                                                                                                                                            | Receipt # 2015-68914-CCCLK | Hurlbut, Robert                      | (30.00)                             |
|            | <b>Defendant Lumpkin, Barbara</b><br>Total Financial Assessment<br>Total Payments and Credits<br><b>Balance Due as of 07/07/2023</b>                     |                            |                                      | 30.00<br>30.00<br><b>0.00</b>       |
| 07/01/2015 | Transaction Assessment                                                                                                                                   |                            |                                      | 30.00                               |
| 07/01/2015 | Efile Payment                                                                                                                                            | Receipt # 2015-68915-CCCLK | Lumpkin, Barbara                     | (30.00)                             |
|            | <b>Defendant Marshall, Jeff</b><br>Total Financial Assessment<br>Total Payments and Credits<br><b>Balance Due as of 07/07/2023</b>                       |                            |                                      | 30.00<br>30.00<br><b>0.00</b>       |
| 07/01/2015 | Transaction Assessment                                                                                                                                   |                            |                                      | 30.00                               |
| 07/01/2015 | Efile Payment                                                                                                                                            | Receipt # 2015-68916-CCCLK | Marshall, Jeff                       | (30.00)                             |
|            | <b>Defendant Stickels, Eric</b><br>Total Financial Assessment<br>Total Payments and Credits<br><b>Balance Due as of 07/07/2023</b>                       |                            |                                      | 30.00<br>30.00<br><b>0.00</b>       |
| 07/01/2015 | Transaction Assessment                                                                                                                                   |                            |                                      | 30.00                               |
| 07/01/2015 | Efile Payment                                                                                                                                            | Receipt # 2015-68917-CCCLK | Stickels, Eric                       | (30.00)                             |
|            | <b>Defendant U S Re Corporation</b><br>Total Financial Assessment<br>Total Payments and Credits<br><b>Balance Due as of 07/07/2023</b>                   |                            |                                      | 1,823.00<br>1,823.00<br><b>0.00</b> |
| 01/25/2016 | Transaction Assessment                                                                                                                                   |                            |                                      | 223.00                              |
| 01/25/2016 | Efile Payment                                                                                                                                            | Receipt # 2016-07519-CCCLK | U S Re Corporation                   | (223.00)                            |
| 11/03/2022 | Transaction Assessment                                                                                                                                   |                            |                                      | 1,560.00                            |
| 11/03/2022 | Payment (Mail)                                                                                                                                           | Receipt # 2022-64062-CCCLK | McDonald Carano                      | (1,560.00)                          |
| 05/18/2023 | Transaction Assessment                                                                                                                                   |                            |                                      | 40.00                               |
| 05/24/2023 | Online Payment                                                                                                                                           | Receipt # 2023-41474-CCCLK | George Ogilvie                       | (40.00)                             |
|            | <b>Defendant Uni-Ter Claims Services Corp</b><br>Total Financial Assessment<br>Total Payments and Credits<br><b>Balance Due as of 07/07/2023</b>         |                            |                                      | 30.00<br>30.00<br><b>0.00</b>       |
| 01/25/2016 | Transaction Assessment                                                                                                                                   |                            |                                      | 30.00                               |
| 01/25/2016 | Efile Payment                                                                                                                                            | Receipt # 2016-07515-CCCLK | Uni-Ter Claims Services Corp         | (30.00)                             |
|            | <b>Defendant Uni-Ter Underwriting Management Corp</b><br>Total Financial Assessment<br>Total Payments and Credits<br><b>Balance Due as of 07/07/2023</b> |                            |                                      | 283.00<br>283.00<br><b>0.00</b>     |
| 01/25/2016 | Transaction Assessment                                                                                                                                   |                            |                                      | 223.00                              |
| 01/25/2016 | Efile Payment                                                                                                                                            | Receipt # 2016-07514-CCCLK | Uni-Ter Underwriting Management Corp | (223.00)                            |
| 11/21/2022 | Transaction Assessment                                                                                                                                   |                            |                                      | 20.00                               |
| 12/05/2022 | Online Payment                                                                                                                                           | Receipt # 2022-69930-CCCLK | George Ogilvie                       | (20.00)                             |
| 06/13/2023 | Transaction Assessment                                                                                                                                   |                            |                                      | 40.00                               |
| 06/13/2023 | Online Payment                                                                                                                                           | Receipt # 2023-48817-CCCLK | George Ogilvie                       | (40.00)                             |
|            | <b>Other Public Copy Request</b><br>Total Financial Assessment<br>Total Payments and Credits<br><b>Balance Due as of 07/07/2023</b>                      |                            |                                      | 8.00<br>8.00<br><b>0.00</b>         |
| 01/12/2022 | Transaction Assessment                                                                                                                                   |                            |                                      | 8.00                                |
| 01/12/2022 | Online Payment                                                                                                                                           | Receipt # 2022-02126-CCCLK | Public Copy Request                  | (8.00)                              |
|            | <b>Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark</b><br>Total Financial Assessment                          |                            |                                      | 1,786.90                            |



|            |                                     |                             |                                                                                     |             |
|------------|-------------------------------------|-----------------------------|-------------------------------------------------------------------------------------|-------------|
|            | Total Payments and Credits          |                             |                                                                                     | 1,786.90    |
|            | <b>Balance Due as of 07/07/2023</b> |                             |                                                                                     | <b>0.00</b> |
| 12/23/2014 | Transaction Assessment              |                             |                                                                                     | 273.50      |
| 12/23/2014 | Efile Payment                       | Receipt # 2014-142801-CCCLK | Commissioner of Insurance for                                                       | (270.00)    |
| 12/23/2014 | Efile Payment                       | Receipt # 2014-142802-CCCLK | Commissioner of Insurance for                                                       | (3.50)      |
| 12/23/2014 | Transaction Assessment              |                             |                                                                                     | 3.50        |
| 12/23/2014 | Efile Payment                       | Receipt # 2014-142884-CCCLK | Commissioner of Insurance for                                                       | (3.50)      |
| 04/01/2015 | Transaction Assessment              |                             |                                                                                     | 3.50        |
| 04/01/2015 | Efile Payment                       | Receipt # 2015-33501-CCCLK  | Commissioner of Insurance for                                                       | (3.50)      |
| 04/01/2015 | Transaction Assessment              |                             |                                                                                     | 3.50        |
| 04/01/2015 | Efile Payment                       | Receipt # 2015-33503-CCCLK  | Commissioner of Insurance for                                                       | (3.50)      |
| 04/01/2015 | Transaction Assessment              |                             |                                                                                     | 3.50        |
| 04/01/2015 | Efile Payment                       | Receipt # 2015-33505-CCCLK  | Commissioner of Insurance for                                                       | (3.50)      |
| 04/01/2015 | Transaction Assessment              |                             |                                                                                     | 3.50        |
| 04/01/2015 | Efile Payment                       | Receipt # 2015-33507-CCCLK  | Commissioner of Insurance for                                                       | (3.50)      |
| 04/20/2015 | Transaction Assessment              |                             |                                                                                     | 3.50        |
| 04/20/2015 | Efile Payment                       | Receipt # 2015-41254-CCCLK  | Commissioner of Insurance for                                                       | (3.50)      |
| 04/20/2015 | Transaction Assessment              |                             |                                                                                     | 3.50        |
| 04/20/2015 | Efile Payment                       | Receipt # 2015-41259-CCCLK  | Commissioner of Insurance for                                                       | (3.50)      |
| 04/20/2015 | Transaction Assessment              |                             |                                                                                     | 3.50        |
| 04/20/2015 | Efile Payment                       | Receipt # 2015-41261-CCCLK  | Commissioner of Insurance for                                                       | (3.50)      |
| 01/15/2016 | Transaction Assessment              |                             |                                                                                     | 3.50        |
| 01/15/2016 | Efile Payment                       | Receipt # 2016-04729-CCCLK  | Commissioner of Insurance for the State of Nevada<br>as Receiver of Lewis and Clark | (3.50)      |
| 02/08/2016 | Transaction Assessment              |                             |                                                                                     | 3.50        |
| 02/08/2016 | Efile Payment                       | Receipt # 2016-12587-CCCLK  | Commissioner of Insurance for the State of Nevada<br>as Receiver of Lewis and Clark | (3.50)      |
| 02/11/2016 | Transaction Assessment              |                             |                                                                                     | 3.50        |
| 02/11/2016 | Efile Payment                       | Receipt # 2016-14547-CCCLK  | Commissioner of Insurance for the State of Nevada<br>as Receiver of Lewis and Clark | (3.50)      |
| 02/11/2016 | Transaction Assessment              |                             |                                                                                     | 3.50        |
| 02/11/2016 | Efile Payment                       | Receipt # 2016-14549-CCCLK  | Commissioner of Insurance for the State of Nevada<br>as Receiver of Lewis and Clark | (3.50)      |
| 04/02/2016 | Transaction Assessment              |                             |                                                                                     | 3.50        |
| 04/02/2016 | Efile Payment                       | Receipt # 2016-32699-CCCLK  | Commissioner of Insurance for the State of Nevada<br>as Receiver of Lewis and Clark | (3.50)      |
| 05/06/2016 | Transaction Assessment              |                             |                                                                                     | 3.50        |
| 05/06/2016 | Efile Payment                       | Receipt # 2016-44185-CCCLK  | Commissioner of Insurance for the State of Nevada<br>as Receiver of Lewis and Clark | (3.50)      |
| 05/10/2016 | Transaction Assessment              |                             |                                                                                     | 3.50        |
| 05/10/2016 | Efile Payment                       | Receipt # 2016-45249-CCCLK  | Commissioner of Insurance for the State of Nevada<br>as Receiver of Lewis and Clark | (3.50)      |
| 06/14/2016 | Transaction Assessment              |                             |                                                                                     | 3.50        |
| 06/14/2016 | Efile Payment                       | Receipt # 2016-56740-CCCLK  | Commissioner of Insurance for the State of Nevada<br>as Receiver of Lewis and Clark | (3.50)      |
| 08/08/2016 | Transaction Assessment              |                             |                                                                                     | 3.50        |
| 08/08/2016 | Efile Payment                       | Receipt # 2016-75842-CCCLK  | Commissioner of Insurance for the State of Nevada<br>as Receiver of Lewis and Clark | (3.50)      |
| 08/11/2016 | Transaction Assessment              |                             |                                                                                     | 3.50        |
| 08/11/2016 | Efile Payment                       | Receipt # 2016-77759-CCCLK  | Commissioner of Insurance for the State of Nevada<br>as Receiver of Lewis and Clark | (3.50)      |
| 08/12/2016 | Transaction Assessment              |                             |                                                                                     | 3.50        |
| 08/12/2016 | Efile Payment                       | Receipt # 2016-77971-CCCLK  | Commissioner of Insurance for the State of Nevada<br>as Receiver of Lewis and Clark | (3.50)      |
| 08/18/2016 | Transaction Assessment              |                             |                                                                                     | 3.50        |
| 08/18/2016 | Efile Payment                       | Receipt # 2016-79970-CCCLK  | Commissioner of Insurance for the State of Nevada<br>as Receiver of Lewis and Clark | (3.50)      |
| 09/01/2016 | Transaction Assessment              |                             |                                                                                     | 3.50        |
| 09/01/2016 | Efile Payment                       | Receipt # 2016-84579-CCCLK  | Commissioner of Insurance for the State of Nevada<br>as Receiver of Lewis and Clark | (3.50)      |
| 09/09/2016 | Transaction Assessment              |                             |                                                                                     | 3.50        |
| 09/09/2016 | Efile Payment                       | Receipt # 2016-87208-CCCLK  | Commissioner of Insurance for the State of Nevada<br>as Receiver of Lewis and Clark | (3.50)      |
| 09/26/2016 | Transaction Assessment              |                             |                                                                                     | 3.50        |
| 09/26/2016 | Efile Payment                       | Receipt # 2016-92929-CCCLK  | Commissioner of Insurance for the State of Nevada<br>as Receiver of Lewis and Clark | (3.50)      |
| 10/07/2016 | Transaction Assessment              |                             |                                                                                     | 3.50        |
| 10/07/2016 | Efile Payment                       | Receipt # 2016-97980-CCCLK  | Commissioner of Insurance for the State of Nevada<br>as Receiver of Lewis and Clark | (3.50)      |
| 10/10/2016 | Transaction Assessment              |                             |                                                                                     | 3.50        |
| 10/10/2016 | Efile Payment                       | Receipt # 2016-98302-CCCLK  | Commissioner of Insurance for the State of Nevada<br>as Receiver of Lewis and Clark | (3.50)      |
| 10/10/2016 | Transaction Assessment              |                             |                                                                                     | 3.50        |
| 10/10/2016 | Efile Payment                       | Receipt # 2016-98478-CCCLK  | Commissioner of Insurance for the State of Nevada<br>as Receiver of Lewis and Clark | (3.50)      |
| 10/11/2016 | Transaction Assessment              |                             |                                                                                     | 3.50        |
| 10/11/2016 | Efile Payment                       | Receipt # 2016-98706-CCCLK  | Commissioner of Insurance for the State of Nevada<br>as Receiver of Lewis and Clark | (3.50)      |
| 12/28/2016 | Transaction Assessment              |                             |                                                                                     | 3.50        |
| 12/28/2016 | Efile Payment                       | Receipt # 2016-124981-CCCLK | Commissioner of Insurance for the State of Nevada<br>as Receiver of Lewis and Clark | (3.50)      |
| 09/20/2018 | Transaction Assessment              |                             |                                                                                     | 200.00      |

|            |                        |                            |                                                                                     |          |
|------------|------------------------|----------------------------|-------------------------------------------------------------------------------------|----------|
| 09/20/2018 | Efile Payment          | Receipt # 2018-62697-CCCLK | Commissioner of Insurance for the State of Nevada<br>as Receiver of Lewis and Clark | (200.00) |
| 07/28/2021 | Transaction Assessment |                            |                                                                                     | 200.00   |
| 07/28/2021 | Efile Payment          | Receipt # 2021-46939-CCCLK | Commissioner of Insurance for the State of Nevada<br>as Receiver of Lewis and Clark | (200.00) |
| 08/13/2021 | Transaction Assessment |                            |                                                                                     | 200.00   |
| 08/13/2021 | Efile Payment          | Receipt # 2021-50689-CCCLK | Commissioner of Insurance for the State of Nevada<br>as Receiver of Lewis and Clark | (200.00) |
| 08/13/2021 | Transaction Assessment |                            |                                                                                     | 200.00   |
| 08/13/2021 | Efile Payment          | Receipt # 2021-50690-CCCLK | Commissioner of Insurance for the State of Nevada<br>as Receiver of Lewis and Clark | (200.00) |
| 02/14/2022 | Transaction Assessment |                            |                                                                                     | 24.00    |
| 02/14/2022 | Efile Payment          | Receipt # 2022-09069-CCCLK | Commissioner of Insurance for the State of Nevada<br>as Receiver of Lewis and Clark | (24.00)  |
| 08/30/2022 | Transaction Assessment |                            |                                                                                     | 89.00    |
| 08/31/2022 | Online Payment         | Receipt # 2022-50448-CCCLK | Brenoch Wirthlin                                                                    | (89.00)  |
| 09/09/2022 | Transaction Assessment |                            |                                                                                     | 40.00    |
| 09/09/2022 | Online Payment         | Receipt # 2022-52460-CCCLK | Brenoch Wirthlin                                                                    | (40.00)  |
| 11/09/2022 | Transaction Assessment |                            |                                                                                     | 24.00    |
| 11/09/2022 | Efile Payment          | Receipt # 2022-65612-CCCLK | Commissioner of Insurance for the State of Nevada<br>as Receiver of Lewis and Clark | (24.00)  |
| 11/18/2022 | Transaction Assessment |                            |                                                                                     | 24.00    |
| 11/18/2022 | Efile Payment          | Receipt # 2022-67514-CCCLK | Commissioner of Insurance for the State of Nevada<br>as Receiver of Lewis and Clark | (24.00)  |
| 11/21/2022 | Transaction Assessment |                            |                                                                                     | 20.00    |
| 11/21/2022 | Online Payment         | Receipt # 2022-67758-CCCLK | Brenoch Wirthlin                                                                    | (20.00)  |
| 11/21/2022 | Online Payment         | Receipt # 2022-67759-CCCLK | Brenoch Wirthlin                                                                    | (20.00)  |
| 11/30/2022 | Transaction Assessment |                            |                                                                                     | 20.00    |
| 12/30/2022 | Transaction Assessment |                            |                                                                                     | 24.00    |
| 12/30/2022 | Efile Payment          | Receipt # 2022-75015-CCCLK | Commissioner of Insurance for the State of Nevada<br>as Receiver of Lewis and Clark | (24.00)  |
| 04/17/2023 | Transaction Assessment |                            |                                                                                     | 202.00   |
| 04/17/2023 | Online Payment         | Receipt # 2023-24012-CCCLK | Brenoch Wirthlin                                                                    | (202.00) |
| 04/26/2023 | Transaction Assessment |                            |                                                                                     | 129.40   |
| 04/27/2023 | Online Payment         | Receipt # 2023-26812-CCCLK | Brenoch Wirthlin                                                                    | (129.40) |
| 05/18/2023 | Transaction Assessment |                            |                                                                                     | 19.00    |
| 05/18/2023 | Online Payment         | Receipt # 2023-39751-CCCLK | Brenoch Wirthlin                                                                    | (19.00)  |



**EXHIBIT “C”**

**EXHIBIT “C”**

*Heather S. Smith*  
CLERK OF THE COURT

**MDSM**

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*Attorneys for Defendant*  
*U.S. RE Corporation*

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

COMMISSIONER OF INSURANCE FOR THE  
STATE OF NEVADA AS RECEIVER OF  
LEWIS AND CLARK LTC RISK RETENTION  
GROUP, INC.,

Plaintiff,

vs.

ROBERT CHUR, STEVE FOGG, MARK  
GARBER, CAROL HARTER, ROBERT  
HURLBUT, BARBARA LUMPKIN, JEFF  
MARSHALL, ERIC STICKELS, UNI-TER  
UNDERWRITING MANAGEMENT CORP.  
UNI-TER CLAIMS SERVICES CORP., and U.S.  
RE CORPORATION, DOES 1-50, inclusive; and  
ROES 51-100, inclusive,

Defendants.

Case No. A-14-711535-C

Dept. No.: XXVII

**MOTION TO DISMISS AND  
ENFORCE SETTLEMENT  
AGREEMENT**

**(HEARING REQUESTED ON  
ORDER SHORTENING TIME)**

OST Hearing Date:  
OST Hearing Time:

Defendant U.S. Re Corporation (“U.S. Re”), by and through its undersigned counsel, move this Court for an Order dismissing all claims asserted by Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of the Lewis and Clark LTC Risk Retention Group, Inc. (“Plaintiff Commissioner”), on the ground that the parties have entered into an enforceable agreement to settle

1 this matter and U.S. Re has satisfied its obligation under that agreement.

2 Pursuant to EDCR 2.26, U.S. Re respectfully requests its Motion To Dismiss And Enforce  
3 Settlement Agreement (the “Motion”) be heard on shortened time. Currently, a Status Check is  
4 scheduled in this matter for November 8, 2022. U.S. Re submits good cause exists to conduct the  
5 hearing on this matter prior to conducting the Status Check because U.S. Re has satisfied its obligations  
6 under the Settlement Agreement and should, therefore, be dismissed with prejudice immediately to  
7 avoid incurring further attorney’s fees and costs or occupying court resources. If the Motion is heard  
8 in the ordinary course, it would not be resolved before the Status Check.

9 This Motion is based on the attached Memorandum of Points and Authorities, the Declaration  
10 of George F. Ogilvie III, all the papers and pleadings on file herein, and the arguments of counsel at  
11 any hearing that this Court may entertain on the Motion.

12 DATED this 18th day of October, 2022.

13 McDONALD CARANO LLP

14 By: /s/ George F. Ogilvie III  
15 George F. Ogilvie III (NSBN 3552)  
16 2300 West Sahara Avenue, Suite 1200  
Las Vegas, NV 89102

17 Jon M. Wilson, Esq. (*Pro Hac Vice*)  
18 LAW OFFICES OF JON WILSON  
13924 Marquesas Way, Unit 1308  
19 Marina Del Rey, CA. 90292

20 *Attorneys for Defendant U.S. RE Corporation*  
21  
22  
23  
24  
25  
26  
27  
28

**ORDER SHORTENING TIME**

It appearing to the satisfaction of the Court and good cause appearing therefor,

IT IS HEREBY ORDERED that the hearing on the **MOTION TO DISMISS AND ENFORCE SETTLEMENT AGREEMENT** shall be shortened and heard before the above-entitled Court in Department XXVII on the 10 day of November, 2022 at 10:00 a.m./p.m., or as soon thereafter as counsel may be heard.

IT IS HEREBY FURTHER ORDERED that any opposition shall be filed on or before the 1 day of November, 2022.

Dated this 21st day of October, 2022

Nancy L Alif MA

1E8 978 5CF4 D73B

Nancy Alif

**DECLARATION OF GEORGE F. OGILVIE III IN SUPPORT OF  
MOTION TO DISMISS AND ENFOCE SETTLEMENT AGREEMENT  
ON ORDER SHORTENING TIME**

I, George F. Ogilvie III, hereby declare under penalty of perjury as follows:

1. I am an attorney licensed to practice law in the State of Nevada and a partner in the law firm McDonald Carano LLP. I am co-counsel for U.S. Re in the above-captioned action matter. I am over the age of 18 years and a resident of Clark County, Nevada. I have personal knowledge of the facts set forth herein, except as to those stated on information and belief, and as to those, I am informed and believe them to be true. If called as a witness, I could and would competently testify to these matters.

2. This declaration is made pursuant to EDCR 2.26 and in support of U.S. Re's Motion to Dismiss and Enforce Settlement Agreement on Order Shortening Time.

3. On July 13, 2022, Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of the Lewis and Clark LTC Risk Retention Group, Inc. ("Plaintiff Commissioner"), Defendant U.S. Re Corporation ("U.S. Re"), Uni-Ter Underwriting Management Corp. ("Uni-Ter UMC"), Uni-Ter Claims Services Corp. ("Uni-Ter CS" and, together with U.S. Re and Uni-Ter UMC, the "Corporate Defendants") fully executed a Settlement Agreement, attached hereto as **Exhibit A**.

4. Under the Settlement Agreement, the insurance carriers for Corporate Defendants agreed to pay Plaintiff Commissioner the total amount of \$5,200,000.00 (the “Settlement Funds”). *See Ex. A* at p. 1.

5. The Settlement Funds were paid by a Catlin Specialty Insurance Company (“Catlin”) check in the amount of \$407,337.22 and an Ironshore Insurance Company (“Ironshore”) check in the amount of \$4,792,662.78. I received confirmation that the Catlin check was delivered pursuant to Plaintiff Commissioner’s instructions on August 19, 2022, and confirmation that the Ironshore check was delivered on August 24, 2022.

6. Because the Settlement Funds have been tendered and cleared, on October 10, 2022, and again on October 12, 2022, I sent counsel for Plaintiff Commissioner via email a proposed stipulation and order to dismiss with prejudice. *See Proposed Stipulation and Order Email*, attached hereto as **Exhibit B**.


7. The proposed stipulation and order would dismiss the entire action, including all claims, crossclaims, counterclaims, and third-party claims, with prejudice, as to the Corporate Defendants. *See id.*

8. Despite my attempts to resolve this issue and dismiss my clients from this litigation, counsel for Plaintiff Commissioner has failed to respond or sign the proposed stipulation and order.

9. Currently, a Status Check is scheduled in this matter for November 8, 2022. U.S. Re submits good cause exists to conduct the hearing on this matter prior to conducting the Status Check because U.S. Re has satisfied its obligations under the Settlement Agreement and should, therefore, be dismissed with prejudice immediately to avoid incurring further attorney’s fees and costs. If the Motion is heard in the ordinary course, it would not be resolved before the Status Check.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Executed on this 18th day of October, 2022, at Las Vegas, Nevada.

  
George F. Ogilvie III

## MEMORANDUM OF POINTS AND AUTHORITIES

### **I. INTRODUCTION**

On September 2, 2021, the trial regarding Plaintiff Commissioner’s claims against Corporate Defendants began. The matter was submitted to the jury on October 14, 2021. The jury rendered its verdict for Plaintiff Commissioner the same day. *See* October 14, 2021, Verdict Form, on file with this Court, at p. 6. The jury found that Plaintiff Commissioner established its claims and damages against Corporate Defendants in the amount of \$15,222,853.00 and allocated liability for those damages to each Corporate Defendant. *See* December 20, 2021, Judgment on Jury Verdict (“Judgment”), on file with this Court, at 3:18-25; 4:2-21.

Thereafter, Plaintiff Commissioner and Corporate Defendants negotiated a settlement agreement. *See* Ogilvie Decl. at ¶ 3; **Ex. A**. Plaintiff Commissioner and Corporate Defendants fully executed the Settlement Agreement on July 13, 2022. *See id.* Under the Settlement Agreement, the insurance carriers for Corporate Defendants agreed to pay Plaintiff Commissioner the total amount of \$5,200,000.00 (“Settlement Funds”). *See* Ogilvie Decl. at ¶ 4; **Ex. A** at p. 1.

The Settlement Funds were paid by a Catlin Specialty Insurance Company (“Catlin”) check in the amount of \$407,337.22 and an Ironshore Insurance Company (“Ironshore”) check in the amount of \$4,792,662.78. *See* Ogilvie Decl. at ¶ 5. The Catlin check was delivered pursuant to Plaintiff Commissioner’s instructions on August 19, 2022, and the Ironshore check was delivered on August 24, 2022. Because the Settlement Funds have been tendered and cleared, on October 10, 2022 and again on October 12, 2022, Corporate Defendants’ counsel forwarded to counsel for Plaintiff Commissioner a proposed stipulation and order to dismiss with prejudice the Corporate Defendants. *See id.* at ¶¶ 6-7; **Ex. B**. However, counsel for Plaintiff Commissioner has failed to respond to the proposed stipulation and order, thus, necessitating this motion. *See id.* at ¶ 8.

### **II. LEGAL STANDARD**

“An agreement to settle pending litigation can be enforced by motion in the case being settled.” *Massi v. Nobis*, 132 Nev. 1004, 2016 WL 796982, at \*1 n.3 (2016) (citing *Grisham v. Grisham*, 128 Nev., Adv. Op. 60, 289 P.3d 230, 233 (2012)); *see also Robertson v. Nevada*, 2018 WL 3581674, at \*2 (D. Nev. June 27, 2018) (“A district court has the inherent power to enforce a settlement agreement



entered into while the litigation is pending before it.”) (citations omitted). The agreement can be reached between the parties themselves or through their authorized representatives. *Robertson*, 2018 WL 3581674, at \*2 (citation omitted).

The Nevada Supreme Court has long held “because a settlement agreement is a contract, its construction and enforcement are governed by principles of contract law.” *May v. Anderson*, 121 Nev. 119 P.3d 1254, 1257 (2004). Those principles of interpretation state, “where a document is clear on its face, it “will be construed from the written language and enforced as written.” *Ellison v. California State Auto. Ass’n*, 106 Nev. 797 P.2d 975, 977 (1990). Basic contract law principles require an offer, acceptance, meeting of the minds, and consideration for there to be a valid and enforceable contract. *May*, 121 Nev. at 672, 119 P.3d at 1257. When the contract at issue is a settlement agreement, the Court may compel compliance. *Id.*; see also *In re Amerco Derivative Litig.*, 127 Nev. 196, 211, 252 P.3d 681, 693 (2011) (“Our ultimate goal is to effectuate the contracting parties’ intent, however, when that intent is not clearly expressed in the contractual language, we may also consider the circumstances surrounding the agreement.”).

Here, Plaintiff Commissioner and Corporate Defendants have a valid written settlement agreement that has been fully executed and therefore must be enforced thereby releasing Corporate Defendants from this litigation.

### III. ARGUMENT

#### A. Because the Corporate Defendants have fully satisfied their obligations under the Settlement Agreement, they should be dismissed from this action with prejudice.

Plaintiff Commissioner and Corporate Defendants have a valid and enforceable settlement agreement that was fully executed when both Corporate Defendants and Plaintiff Commissioner signed the Settlement Agreement. See Ogilvie Decl. at ¶ 3; Ex. A. Here, as in *May*, the Court is able to determine what is required of the parties, effectuate the parties’ intent, and compel performance. *May*, 121 Nev. at 672, 119 P.3d at 1257; *In re Amerco Derivative Litig.*, 127 Nev. at 211, 252 P.3d at 693. In accordance with the terms of the Settlement Agreement, the Corporate Defendants’ insurance carriers paid Plaintiff Commissioner \$5,200,000.00. See Ogilvie Decl. at ¶¶ 4-5; Ex. A at p. 1. In exchange, the Settlement Agreement states that once the Settlement Funds have been received by

Plaintiff Commissioner and all other obligations in the Settlement Agreement have been met, Plaintiff Commissioner releases Corporate Defendants

“from any and all charges, complaints, claims, promises, agreements, controversies, liabilities, obligations, damages, actions, causes of action, suits, rights, demands, costs,, losses, debts, and expenses (including attorney’s fees and costs actually incurred), or any nature whatsoever, known or unknown, whether based on tort, subrogation, contract, quasi-contract, or any other theory of recovery or responsibility, that the Plaintiff now has or could have had against [Corporate Defendants].”

See **Ex. A** at ¶ B(4).

Therefore, under the provisions of the Settlement Agreement, Corporate Defendants and Plaintiff Commissioner agreed to waive and release all potential claims. *See May*, 121 Nev. at 674, 119 P.3d at 1258 (“If the prevention of future litigation is one of the primary goals of settlement, the essential terms of the release needed to achieve that goal are material to the settlement agreement.”). Therefore, Corporate Defendants should be immediately dismissed from this litigation, including all claims, crossclaims, counterclaims, and third-party claims, with prejudice – as stated in the Settlement Agreement and further stated in the proposed stipulation and order sent by Corporate Defendants’ counsel on two separate occasions. *See id.* at ¶¶ 6-8; **Ex. B**.

#### IV. CONCLUSION

Corporate Defendants fully satisfied the terms of the Settlement Agreement it reached with Plaintiff Commissioner. Based upon the foregoing, U.S. Re asks the Court to enforce the Settlement Agreement and dismiss the Corporate Defendants from this action with prejudice.

DATED this 18th day of October, 2022.

McDONALD CARANO LLP

By: /s/ George F. Ogilvie III

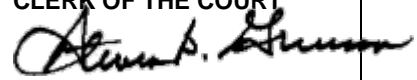
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*Attorneys for Defendant U.S. RE Corporation*

**EXHIBIT “D”**

**EXHIBIT “D”**



**OPPS**

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*Attorneys for Plaintiff*

**DISTRICT COURT OF NEVADA**

**CLARK COUNTY, NEVADA**

COMMISSIONER OF INSURANCE FOR  
THE STATE OF NEVADA AS RECEIVER  
OF LEWIS AND CLARK LTC RISK  
RETENTION GROUP, INC.,

Plaintiff,

vs.

ROBERT CHUR, STEVE FOGG, MARK  
GARBER, CAROL HARTER, ROBERT  
HURLBUT, BARBARA LUMPKIN, JEFF  
MARSHALL, ERIC STICKELS, UNI-TER  
UNDERWRITING MANAGEMENT CORP.,  
UNI-TER CLAIMS SERVICES CORP., and  
U.S. RE CORPORATION; DOES 1-50,  
inclusive; and ROES 51-100, inclusive;

Defendants.

Case No.: A-14-711535-C

Dept. No.: XXVII

**OPPOSITION TO U.S. RE'S MOTION  
TO DISMISS AND ENFORCE  
SETTLEMENT AGREEMENT**

Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis & Clark LTC Risk Retention Group, Inc. ("Plaintiff" or "Receiver") hereby submits her opposition to Defendant U.S. Re Corporation's ("US Re") Motion to Dismiss and Enforce Settlement Agreement ("Motion"). This Opposition is based on the following Memorandum of Points and Authorities, all exhibits thereto, the pleadings and papers on file, and any argument of counsel at

///

///

1 the time of a hearing of the Motion.

2 DATED this 4<sup>th</sup> day of November, 2022.

3 HUTCHISON & STEFFEN

4 By: /s/ Brenoch Wirthlin

5 BRENOCH WIRTHLIN, ESQ. (10282)

6 TANYA FRASER, ESQ. (13872)

7 Hutchison & Steffen

8 10080 West Alta Drive, Suite 200

9 Las Vegas, Nevada 89145

10 Telephone: (702) 385.2500

11 Facsimile: (702) 385.2086

12 E-Mail: [bwirthlin@hutchlegal.com](mailto:bwirthlin@hutchlegal.com)

13 *Attorneys for Plaintiff*

## 14 MEMORANDUM OF POINTS AND AUTHORITIES

### 15 I. INTRODUCTION AND SUMMARY OF ARGUMENT

16 The settlement agreement at issue (“Agreement”) contains no provision regarding  
17 dismissal. The Nevada Supreme Court has held that courts cannot rewrite contracts with terms  
18 that were not included. Thus, US Re is asking the Court to do something that is prohibited by  
19 binding Nevada Supreme Court precedent.

20 Even if the Agreement did contain a provision regarding dismissal, which it does not, US  
21 Re breached the Agreement. Accordingly, dismissal is improper and unavailable to US Re. The  
22 Motion should be denied.

### 23 II. FACTS

#### 24 US Re breached the Agreement.

25 1. The Agreement contains no provision regarding dismissal of US Re or any other  
26 defendant.

27 2. Paragraph B(1) of the Agreement states as follows:

28 **Within 30 days after receipt of a fully-executed copy of this Agreement, a W-9 from Plaintiff identifying the name and address of the payee, and service of notice of entry of an order approving this Agreement by the Eighth Judicial District Court in Clark County, Nevada, in Case no.: A-12-672047-B, STATE OF NEVADA, EX REL. COMMISSIONER OF INSURANCE, IN HIS OFFICIAL**

1 CAPACITY AS STATUTORY RECEIVER FOR DELINQUENT DOMESTIC  
2 INSURER vs. LEWIS & CLARK LTC RISK RETENTION GROUP, INC. (the  
3 “Receivership”), the insurance carriers for the Corporate Defendants will pay  
4 Plaintiff the sum of \$5,200,000 (US) by company check(s) (the “Settlement  
5 Funds”) as consideration. **However, all Parties acknowledge and agree that**  
6 **this Agreement is of no force and effect until said Settlement Funds are**  
7 **actually received by the Plaintiff, and that this Agreement shall be null and**  
8 **void in the event such Settlement Funds are not received by the Plaintiff**  
9 **within the 30-day time period referenced herein.**

10 *See* Agreement, Exhibit 1 hereto, at pp. 1-2 (emphasis added).

11 3. This strict 30-day provision was specifically negotiated between counsel for the  
12 parties. *See* emails between counsel, Exhibit 2 hereto.

13 4. On July 20, 2022, undersigned counsel forwarded a copy of the signed  
14 Agreement, a W-9, and an notice of entry of order (“NOE”) as required by paragraph B(1) of the  
15 Agreement. *See* Exhibit 3.

16 5. Thus, the 30 day period to receive the Settlement Funds (as defined in the  
17 Agreement) ended on August 19, 2022.

18 6. On July 22, 2022, counsel for US Re responded stating that he had received these  
19 items and had “forwarded them to the client and carriers.” *Id.*

20 7. In addition, undersigned counsel mailed the items to counsel for US Re and by  
21 certified mail to the insurance carriers. *See* Exhibit 4.

22 8. On August 19, 2022, Plaintiff’s representative received a check in the amount of  
23 approximately \$400,000 from one insurer, but did not receive the remaining amount of the  
24 Settlement Funds. *See* Exhibit 5.

25 9. On August 24, 2022, five (5) days after the expiration of the strict 30-day time  
26 period for payment, Plaintiff received a check from another insurer for approximately \$4.79M.  
27 *See* Exhibit 6.

28 ///

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1     **III.     ARGUMENT**

2             **A.     Courts cannot rewrite contracts between parties. US Re is asking the Court**  
3             **to add a provision for dismissal to the Agreement which the Court cannot do.**

4             It is binding precedent in Nevada that Courts cannot rewrite contracts. As the Nevada  
5     Supreme Court has unequivocally held:

6             **It is axiomatic that a court will not rewrite a contract for the parties,**  
7             especially when it would have to interject terms that would change the value of the  
8     instrument.

9     *Gartland v. Giesler*, 96 Nev. 53, 55, 604 P.2d 1238, 1239 (1980); *see also APCO Constr., Inc. v.*  
10    *Helix Elec. of Nevada, LLC*, 138 Nev. Adv. Op. 31, 509 P.3d 49, 54 (2022) (“Courts ‘should not  
11    rewrite contract provisions that are otherwise unambiguous ... [ ] or ... attempt to increase the  
12    legal obligations of the parties where the parties intentionally limited such obligations.’ ”). US  
13    Re is asking the Court to do something it cannot do: add a provision requiring dismissal. A  
14    release and a dismissal are not the same thing. US Re is asking this Court to interject a term into  
15    the Agreement, which it cannot do.

16            **B.     US Re breached the Agreement.**

17            As set forth above, US Re breached the Agreement. US Re specifically negotiated the  
18    relevant term regarding the strict 30-day time period. One of the insurers paid its portion of the  
19    funds on time, so everyone was clearly aware of the relevant deadline. The Agreement required  
20    that Plaintiff actually receive all Settlement Funds within the 30 day time period, and that did not  
21    happen. According to the plain language the Agreement is “null and void” and even if it did  
22    have a provision requiring dismissal, which it does not, it could not be enforced due to US Re’s  
23    breach.

24     **IV.     CONCLUSION**

25            For all these reasons, Plaintiff requests the Court deny US Re’s Motion in its entirety, and

26     ///

27     ///

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   ///

1 that the Court grant such other and further relief as the Court deems appropriate.

2 DATED this 4<sup>th</sup> day of November, 2022.

3 HUTCHISON & STEFFEN

4 By: /s/ Brenoch Wirthlin

5 BRENOCH WIRTHLIN, ESQ. (10282)

6 TANYA FRASER, ESQ. (13872)

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13 *Attorneys for Plaintiff*

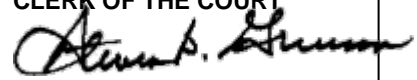
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## ALL PARTIES ON THE E-SERVICE LIST

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**EXHIBIT “E”**

**EXHIBIT “E”**



1 **RIS**

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14 Telephone: (310) 626-2216  
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16 *Attorneys for Defendant*  
17 *U.S. RE Corporation*

11 **DISTRICT COURT**  
12 **CLARK COUNTY, NEVADA**

13 COMMISSIONER OF INSURANCE FOR THE  
14 STATE OF NEVADA AS RECEIVER OF  
15 LEWIS AND CLARK LTC RISK RETENTION  
16 GROUP, INC.,

17 Plaintiff,

18 vs.

19 ROBERT CHUR, STEVE FOGG, MARK  
20 GARBER, CAROL HARTER, ROBERT  
21 HURLBUT, BARBARA LUMPKIN, JEFF  
22 MARSHALL, ERIC STICKELS, UNI-TER  
23 UNDERWRITING MANAGEMENT CORP.  
24 UNI-TER CLAIMS SERVICES CORP., and U.S.  
25 RE CORPORATION, DOES 1-50, inclusive; and  
26 ROES 51-100, inclusive,

27 Defendants.

Case No. A-14-711535-C

Dept. No.: XXVII

**REPLY IN SUPPORT OF MOTION  
TO DISMISS AND ENFORCE  
SETTLEMENT AGREEMENT**

25 **I. INTRODUCTION**

26 Plaintiff Commissioner apparently believes it may accept the benefits of the Settlement  
27 Agreement *and* continue to litigate its claims against the Corporate Defendants. The Settlement  
28 Agreement was intended to (and expressly did) resolve all the Plaintiff Commissioner's claims against

the Corporate Defendants, “including any and all issues relating to the allegations that were or could have been made in the Lawsuit.” *See* Ex. A (“Ex. A”) to October 18, 2022 Motion to Dismiss and Enforce Settlement Agreement at Section A.3. Plaintiff Commissioner does not dispute it received the entire \$5,200,000 in Settlement Funds;<sup>1</sup> Plaintiff Commissioner simply argues it is not required to dismiss the Corporate Defendants from this lawsuit because the Settlement Agreement does not expressly require dismissal and because the Settlement Funds were received five (5) days late. These arguments are contrary to reason, contrary to law and inequitable.

## II. LEGAL STANDARD

It has been established that a settlement agreement is a contract, and the construction and enforcement must be governed by principles of contract law. *See May v. Anderson*, 121 Nev. 119 P.3d 1254, 1257 (2004). A claim for breach of contract requires plaintiff to show the following elements: (1) the existence of a valid contract; (2) a breach by the defendant; and (3) damages as a result of the breach.” *Cohen-Breen v. Gray Television Grp., Inc.*, 661 F. Supp. 2d 1158, 1171 (D. Nev. 2009). A material breach has been expressed as “a failure to do something that is so fundamental to a contract that the failure to perform that obligation defeats the essential purpose of the contract or makes it impossible for the other party to perform under the contract.” 23 Richard A. Lord, *Williston on Contracts* § 63:3 (4th ed. 2021) (footnote omitted). Further, to establish contractual damages, a plaintiff must prove “appreciable and actual damage[s].” *Aguilera v. Pirelli Armstrong Tire Co.*, 223 F.3d 1010, 1015 (9th Cir. 2000) (citing *Patent Scaffolding Co. v. William Simpson Constr. Co.*, 256 Cal. App. 2d 506, 511 (Cal. Ct. App. 1967) (“A breach of contract without damage is not actionable.”)).

Since a settlement agreement has been established as a contract and no breach of that contract exists, “[a] district court has the inherent power to enforce a settlement agreement entered into while the litigation is pending before it.” (citations omitted). *Robertson v. Nevada*, 2018 WL 3581674, at \*2 (D. Nev. June 27, 2018). A court must look to the contracting parties’ intent, and “when that intent

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<sup>1</sup> In fact, Plaintiff Commissioner admits it received \$400,000 of the Settlement Funds from Catlin Specialty Insurance Company (“Catlin”) on August 19, 2022, and received the balance of the Settlement Funds from Ironshore Insurance Company (“Ironshore”) on August 24, 2022. *See* November 4, 2022 Opposition to U.S. Re’s Motion to Dismiss and Enforce Settlement Agreement (“Opposition”) at p. 3 ¶¶ 8-9.



is not clearly expressed in the contractual language, we may also consider the circumstances surrounding the agreement.” *In re Amerco Derivative Litig.*, 127 Nev. 196, 211, 252 P.3d 681, 693 (2011).

Additionally, the acceptance of defective contractual performance constitutes a waiver of the claimed breach. “Waiver may be found from . . . accepting performance different than called for by the contract.” *Simmons v. Cudd Pressure Control, Inc.*, 2022 ND 20, 969 N.W.2d 442, 447-448 (2022). “The mere fact that the nonbreaching party elects to continue performance or accept performance is enough to trigger the waiver.” *Wheeler v. Wheeler*, 299 N.C. 633, 640, 263 S.E.2d 763, 767 (1980). “[A]fter one party has breached a contractual provision, the nonbreaching party has a choice between alternate courses of conduct. He may terminate his further liability and recover damages or he may continue the contract, choosing to receive the promisee’s defective performance and regarding his right to damages as adequate compensation.” *Id.* at 637, *citing* Restatement of Contracts s 309; 4 Corbin, Contracts s 954; Simpson, Contracts s 171; J. Calamari & J. Perillo, Contracts s 11-37.

### III. ARGUMENT

#### A. The Settlement Agreement anticipates the Corporate Defendants’ dismissal.

Apparently contending Plaintiff Commissioner may both accept the benefit of the Settlement Funds *and* continue to litigate its claims against the Corporate Defendants, the Opposition argues the Settlement Agreement contains no provision regarding dismissal. While the Settlement Agreement does not expressly state the parties shall stipulate to dismiss the Corporate Defendants, the Settlement Agreement expressly states, “the Parties intend to resolve the present dispute, including any and all issues relating to the allegations that were or could have been made in the Lawsuit.” *See* Ex. A at Section A.3. To suggest the Parties did not intend for dismissal of the Corporate Defendants is not only disingenuous, it constitutes bad faith on the part of Plaintiff Commissioner. The release included in the Settlement Agreement even states:

Plaintiff hereby releases . . . U.S. Re [and] the Uni-Ter Defendants . . . (the “Defendant Released Parties”) from any and all charges, complaints, claims . . . actions, causes of action, **suits**, rights, demands, costs, losses, debts and expenses (including attorney’s fees and costs actually incurred), of any nature whatsoever, known or unknown, whether based on tort, subrogation, contract, quasi-contract, or any other theory of

1 recovery or responsibility, that the Plaintiff now has or could have had  
2 against the Defendant Released Parties.

3 Ex. A at Section B.4. (emphasis added).

4 The release of the Defendant Released Parties (which expressly includes the Corporate  
5 Defendants) was intended to release the Corporate Defendants from this lawsuit. For Plaintiff  
6 Commissioner to suggest otherwise is ludicrous. As the Nevada Supreme Court held in *In re Amerco*  
7 *Derivative Litig., supra*, this court must look to the contracting parties' intent. Here the intent was  
8 clearly intended for each party to buy their peace, including dismissal of the Corporate Defendants, in  
9 exchange for the payment of the Settlement funds. The Settlement Funds having been accepted by  
10 Plaintiff Commissioner, the Corporate Defendants must be dismissed from this lawsuit.

11 **B. Corporate Defendants did not materially breach the Settlement Agreement and**  
12 **therefore have fully satisfied their obligations and should be dismissed from this**  
13 **action with prejudice.**

14 As agreed upon by the parties, a valid and enforceable settlement agreement has been fully  
15 executed. See Ex. A to October 18, 2022 Motion to Dismiss and Enforce Settlement Agreement.  
16 However, Plaintiff Commissioner argues throughout the Opposition that Corporate Defendants  
17 breached the Settlement Agreement when they paid \$4.79M to Plaintiff Commissioner on August 24,  
18 2022, rather than on August 19, 2022, as stated in the agreement. See Opposition at p. 3 ¶ 9; 4:15-22.

19 Corporate Defendants do not dispute that the Ironshore check for \$4.79M was delivered on  
20 August 24, 2022. But receipt of that payment just five days past the agreed upon date does not  
21 constitute a material breach. A five-day delay of payment is not so fundamental to the Settlement  
22 Agreement that the failure to perform that obligation defeats the essential purpose of the Settlement  
23 Agreement. See 23 Richard A. Lord, *Williston on Contracts* § 63:3 (4th ed. 2021). The essential and  
24 fundamental obligation of the Settlement Agreement consisted of the Corporate Defendants paying  
25 Plaintiff Commissioner the sum of \$5,200,000. See Ex. A at p. 1. Thus, regardless of the five-day  
26 delay, Corporate Defendants fully executed their essential and fundamental obligations.

27 Further, Plaintiff Commissioner cannot claim any actual damages they received because of the  
28 five-day delay – an essential element for a breach of contract. See *Cohen-Breen*, 661 F. Supp. 2d at  
1171. When a party cannot point out appreciable and actual damages, a breach of contract is not

1 actionable. *See Aguilera*, 223 F.3d at 1015; *see also Patent Scaffolding Co.*, 256 Cal. App. 2d at 511.  
2 Here, Plaintiff Commissioner cannot point to any actual damages because they accepted and cashed  
3 the \$4.7M check. The mere acceptance and cashing of the check shows that Plaintiff Commissioner  
4 did not incur any actual damages.

5 Therefore, because a valid contract existed, Corporate Defendants fulfilled their obligations  
6 under the Settlement Agreement, no material breach occurred, and no actual damages were incurred  
7 by Plaintiff Commissioner – this Court should immediately dismiss Corporate Defendants from this  
8 litigation under the Settlement Agreement. Upon receipt of the Settlement Funds and fulfillment of  
9 the obligations in the Settlement Agreement, Plaintiff Commissioner agreed to release Corporate  
10 Defendants

11 from any and all charges, complaints, claims, promises, agreements,  
12 controversies, liabilities, obligations, damages, actions, causes of action,  
13 suits, rights, demands, costs,, losses, debts, and expenses (including  
14 attorney’s fees and costs actually incurred), or any nature whatsoever,  
known or unknown, whether based on tort, subrogation, contract, quasi-  
contract, or any other theory of recovery or responsibility, that the  
Plaintiff now has or could have had against [Corporate Defendants].

15 *See* Ex. A at ¶ B(4).

16 Finally, Plaintiff Commissioner waived any claim of breach of the Settlement by accepting the  
17 belated payment of the Settlement Funds. Plaintiff Commissioner cannot both accept the consideration  
18 of the Settlement Funds and continue to pursue the Corporate Defendants for additional damages. As  
19 the Restatement of Contracts and case law uniformly hold, a non-breaching party makes a choice to  
20 waive a claim of breach when it accepts the defective performance. Upon accepting the benefit of the  
21 Settlement Agreement, Plaintiff Commissioner chose to waive the Corporate Defendants’ defective  
22 performance.

23 Plaintiff Commissioner and Corporate Defendants entered into a valid written Settlement  
24 Agreement, and the tender of the Settlement Funds five (5) days late does not constitute a material  
25 breach of that contract. Even if the delayed performance by the Corporate Defendants constitutes a  
26 material breach of the Settlement Agreement, Plaintiff Commissioner’s acceptance of the Settlement  
27 Funds constitutes a waiver of a claim of breach. Further, even if the delayed performance constituted  
28 a material breach that was not waived by Plaintiff Commissioner’s acceptance of the Settlement Funds,

1 Plaintiff Commissioner does not allege any damages resulting from the breach. Therefore, the  
2 Settlement Agreement must be enforced and the Corporate Defendants must be dismissed from this  
3 litigation with prejudice.

4 **IV. CONCLUSION**

5 Corporate Defendants fully satisfied the terms of the Settlement Agreement, no material breach  
6 occurred, and by accepting the Settlement Funds, Plaintiff Commissioner accepted the consideration  
7 under the Settlement Agreement. Therefore, U.S. Re asks the Court to enforce the Settlement  
8 Agreement and dismiss the Corporate Defendants from this action with prejudice.

9 DATED this 9th day of November, 2022.

10 McDONALD CARANO LLP

11 By: /s/ George F. Ogilvie III  
12 George F. Ogilvie III (NSBN 3552)  
13 2300 West Sahara Avenue, Suite 1200  
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15 Jon M. Wilson, Esq. (*Pro Hac Vice*)  
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18 Marina Del Rey, CA. 90292

19 *Attorneys for Defendant U.S. RE Corporation*  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on or about the 9th day of November, 2022, a true and correct copy of the foregoing **REPLY IN SUPPORT OF MOTION TO DISMISS AND ENFORCE SETTLEMENT AGREEMENT** was electronically served with the Clerk of the Court via the Clark County District Court Electronic Filing Program which will provide copies to all counsel of record registered to receive such electronic notification.

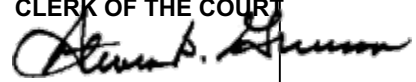
/s/ Jelena Jovanovic

An employee of McDonald Carano LLP

**EXHIBIT “F”**

**EXHIBIT “F”**





1 RTRAN

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5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

7 )  
8 )  
9 COMMISSIONER OF INSURANCE )  
FOR THE STATE OF NEVADA AS )  
10 RECEIVER OF LEWIS AND CLARK, )  
Plaintiff(s), )

CASE#: A-14-711535-C

DEPT. XXVII

11 vs.

12 ROBERT CHUR,  
Defendant(s). )  
13 )

14 BEFORE THE HONORABLE NANCY ALLF,  
15 DISTRICT COURT JUDGE  
16 THURSDAY, JUNE 8, 2023

17 ***RECORDER'S TRANSCRIPT OF HEARING:***  
18 ***ALL PENDING MOTIONS***

19  
20 APPEARANCES:

21 For the Plaintiff: BRENOCH WIRTHLIN, ESQ.

22 For the Defendants: KARYNA ARMSTRONG, ESQ.  
23 JON M. WILSON, ESQ.  
24 GEORGE F. OGILVIE III, ESQ.

25 RECORDED BY: BRYNN WHITE, COURT RECORDER  
TRANSCRIBE BY: PETRA ZIROS TRANSCRIPTION

1 Las Vegas, Nevada, Thursday, June 8, 2023

2  
3 [Case called at 10:34 a.m.]

4 THE COURT: Thanks, everyone. Please remain seated or  
5 please be seated. Let me call the case. Commissioner vs. Chur and  
6 let's take appearances, starting first with the Plaintiff.

7 MR. WIRTHLIN: Good morning, Your Honor. Brenoch  
8 Wirthlin on behalf of Plaintiff.

9 THE COURT: Thank you. For the Defendants?

10 MS. ARMSTRONG: Good morning, Your Honor. Karyna  
11 Armstrong, bar number 16044, on behalf of US Re.

12 THE COURT: Thank you.

13 MR. WILSON: Your Honor, Jon Wilson on behalf of US  
14 Re.

15 THE COURT: Thank you.

16 MR. OGILVIE: Good morning, Your Honor. George  
17 Ogilvie also on behalf of US Re.

18 THE COURT: Thank you. So we've got a Motion to  
19 Vacate, Denying Reconsideration, Opposition Countermotion, and  
20 rather than arguing all of that, Mr. Wirthlin, how are we going to get  
21 this case resolved?

22 MR. WIRTHLIN: Yes, Your Honor. If I could address that.  
23 I do think that the Defendants do deserve a forum to have their  
24 concerns, what they feel like variations, are addressed.

25 But I don't believe it's this forum. This case has been

1 closed as the Court knows for a year and a half and they do have the  
2 federal action. They have the appeals. And I believe at the last  
3 hearing where it was argued, I think it was set as a status check by  
4 Defendant.

5           The Court stated specifically that if the Defendant felt  
6 there was something that needed to be addressed in the  
7 receivership action, they should direct their pleadings there.

8           So we would -- our opinion, Your Honor, is that the  
9 pleadings that have continued to be filed in this closed case are not  
10 appropriate, then I think the resolution would be to have those  
11 issues if US Re feels they haven't been addressed in the appropriate  
12 forum.

13           THE COURT: But why should they pursue an appeal?  
14 They bought peace.

15           MR. WIRTHLIN: Yes, Your Honor. The -- the, well, the  
16 appeal would be certainly a fora for them to do that. But the -- the  
17 bottom line I guess for the case from the Plaintiff's perspective is  
18 that the Plaintiff has -- Commissioner of Insurance has a fiduciary  
19 obligation to pursue all avenues of recovery for the claimants.

20           We have discovered post, you know, after the issues that  
21 are -- that are -- have been raised now in front of this Court multiple  
22 times by US Re, that there were some inaccurate representations  
23 made to us by the Defendants about the insurance that was  
24 available to pay the judgment.

25           We believe that we have a fiduciary ethical obligation to

1 pursue the appropriate avenues of recovery on behalf of the  
2 claimants, Your Honor, and that's the purpose of the federal action  
3 and of course, the appeals that are currently pending.

4           So we do believe that there were -- there are multiple  
5 bases for setting aside the settlement agreement which according to  
6 the terms never came into effect and frankly was -- was breached by  
7 the Defendants as well, so for multiple reasons, Your Honor, we  
8 believe that we have an obligation for the claimants to pursue the  
9 federal action and the appeals.

10           THE COURT: Okay. So why can't we enter a satisfaction  
11 of judgment here and you can go resolve those issues elsewhere?

12           MR. WIRTHLIN: Well, the -- the main reason, Your Honor,  
13 is that the judgment was not satisfied. The agreement was to -- I  
14 guess I should say, the proposed agreement was in an effort to  
15 reach that result. But it was based on, as we had now learned,  
16 inaccurate representations by the other side about insurance  
17 availability and other issues.

18           In addition to that, Your Honor, it was breached. I don't  
19 think there's a dispute on their side. I let them speak to that. But  
20 they have acknowledged in pleadings that the -- the timelines were  
21 not adhered to.

22           They've raised some issues that are questions of facts,  
23 such as waiver and request an advisory opinion, Your Honor, but we  
24 do believe we have an obligation to pursue those in the appropriate  
25 forum.

1           If they believe that there is a basis for them to address  
2 those issues, they can do that in that forum or in whatever forum  
3 they feel is appropriate, just not a closed case that has been closed  
4 for a year and a half, Your Honor.

5           THE COURT: But you accepted the money. You waived it  
6 when you cashed that check.

7           MR. WIRTHLIN: Well, that is their argument, Your Honor,  
8 and I do understand that argument. I do think that needs to be  
9 addressed. But we don't believe that's accurate. We believe that the  
10 terms of the agreement were very clear that if the money was not  
11 delivered in a timely manner, the agreement really never took effect  
12 and was null and void once the agreement was breached.

13           So add that to the fact that after these issues happened  
14 that we have learned that the inaccurate representation -- that the  
15 representations on which we based the agreement from the  
16 Defendants were inaccurate. That there's a lot more insurance that  
17 they did not inform us about and that we have since learned about.

18           So we now feel that there are multiple bases to have that  
19 agreement set aside, not the least of which is the fact that it was  
20 breached and therefore by its own terms null and void upon the  
21 breach.

22           So if -- I'm sorry, go ahead.

23           THE COURT: No and I cut you off. Go ahead.

24           MR. WIRTHLIN: No, that's fine. I was almost done. I just  
25 feel like from the bottom line perspective, Your Honor, I feel like, you

1 know, we -- we did file a -- these motions really shouldn't have been  
2 filed. They should be stricken. That's the *Slack vs. United Airlines*  
3 case. And I don't mean to get into argument, but just from our  
4 perspective, the Plaintiff has to spend that money that could  
5 otherwise go towards paying claimants responding to these motions  
6 over and over again, which are really, this is basically by my count  
7 the fifth attempt by US Re to get a different ruling, which the Court  
8 has already said dismissal was not appropriate and the judgment  
9 has not been satisfied.

10           The Plaintiff was willing to take the -- a substantial  
11 discount on collection of the judgment because they believed that it  
12 would [indiscernible - audio distortion] best interest based upon the  
13 representations that had been made by the Defendants.

14           We have, again, since learned that those were not  
15 accurate and so add that to the fact that they breached the  
16 agreement, which nullified it, we believe we have an obligation, an  
17 ethical and moral obligation to pursue those avenues of recovery for  
18 the claimants.

19           And again, it goes back to that original jury verdict. The  
20 jury found the Defendants' actions warranted a 15 million dollar  
21 verdict and again, based upon representations we've learned are  
22 inaccurate, we were willing to pursue that avenue had the  
23 Defendants complied. But they failed to do that.

24           And once we learned that there were no -- or that we  
25 could put no faith unfortunately in representations that had been

1 made, Your Honor, we feel like we're in a position where we need to  
2 pursue this on their behalf.

3 THE COURT: And do you have a complete remedy or  
4 complete path to relief in the federal court case?

5 MR. WIRTHLIN: I'm not sure I understand the question,  
6 Your Honor.

7 THE COURT: My -- my question is, all right, so you filed a  
8 case in federal court I believe where you're seeking to set aside the  
9 settlement. Can you get complete relief in that case?

10 MR. WIRTHLIN: Well, if I understand the question, Your  
11 Honor, I think that the federal action is for declaratory relief in terms  
12 of the *Nettle* case and the insurance companies that are or that the  
13 insurance that was there, which we were told was not there, would  
14 apply to the judgment.

15 So I suppose from -- from that perspective I believe that  
16 the issues that US Re continues to attempt to raise multiple times,  
17 which we believe is in violation of local rules, can be addressed in  
18 that federal action. We do believe that's the case that the issues that  
19 they're raising can only be addressed in the federal action and can  
20 be addressed there completely if I understand your question  
21 correctly.

22 THE COURT: Thank you.

23 Do you want to respond to any of those comments I've  
24 just made?

25 MS. ARMSTRONG: Yes, Your Honor.



1 THE COURT: And I know that you argue today. I'm sorry  
2 that I cut you off.

3 MS. ARMSTRONG: It's okay. Thank you, Your Honor.

4 So just a few things that I want to touch base on. First, US  
5 Re isn't seeking an advisory opinion. We filed a motion to vacate  
6 the order specifically because at the status conference Your Honor  
7 said that if we wanted to bring a motion to enforce the settlement  
8 agreement, it needed to be within the receivership. But if we take a  
9 motion to enforce in the receivership, the judge is just going to point  
10 to your order, denying our motion to enforce the settlement  
11 agreement, which is why we've asked to vacate it, so we can bring it  
12 properly in front of the receivership judge.

13 Secondly, specifically for the representation that Plaintiff  
14 has now said, paragraph 2 under the settlement agreement  
15 specifically says, "The corporate defendants hereby represent that  
16 Catlin policy and the Ironshore policy are the only two policies  
17 issued by insurers that have agreed to provide coverage to the  
18 corporate defendants that have not been exhausted."

19 So US Re specifically would like to know what  
20 representation Plaintiff has and what other insurance policies that  
21 they've recovered as well as wonder why it wasn't provided in the  
22 declaration and we weren't given -- they didn't provide it. It wasn't  
23 in writing, there was no declaration of what other insurance  
24 companies or policies there are.

25 And then lastly, Your Honor, US Re isn't a Defendant in

1 the federal court action. The federal court action is against Catlin  
2 and Ironshore. So even though they, you know, they want to  
3 enforce -- they want to remove the settlement agreement and say it  
4 was null and void, US Re specifically isn't a Defendant in that case.

5 And as Your Honor has said and we briefed many times,  
6 they accepted the settlement funds and they've never claimed that  
7 they weren't tendered and cleared. So enforcing the settlement is  
8 very important, one to US Re, but also, they're saying the settlement  
9 is null and void but then argue that under the settlement agreement,  
10 US Re can't be dismissed.

11 So it's kind of, you kind of go back and forth. But I think  
12 US Re specifically wants to just acknowledge there has been no  
13 representations made and the settlement agreement specifically  
14 states that as well, as Plaintiff never provided a declaration or even  
15 explained or showed what other insurance policies they even had.

16 THE COURT: Thank you.

17 MS. ARMSTRONG: Thank you, Your Honor.

18 THE COURT: Is there anything further, Mr. Wirthlin?

19 All right. So for good cause of caring the motion will be  
20 granted. I direct the Defendants to prepare a satisfaction of  
21 judgment, which indicates it is based on a settlement amount that is  
22 now in dispute.

23 The case can be closed without prejudice and the appeal  
24 should be dismissed.

25 MR. WILSON: Thank you, Your Honor.

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MR. OGILVIE: Thank you.

MS. ARMSTRONG: Thank you, Your Honor.

THE COURT: Thank you both. Make sure Mr. Wirthlin has the ability to at least see that. Not to approve it, I understand, before it's submitted to me.

MR. WILSON: Thank you, Your Honor.

MR. OGILVIE: Thank you.

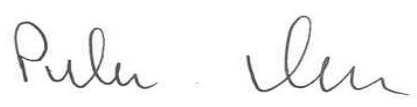
MS. ARMSTRONG: Thank you, Your Honor.

THE COURT: Thank you both.

[Hearing concluded at 10:46 a.m.]

\* \* \* \* \*

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.

  
\_\_\_\_\_  
Petra Ziros  
Transcriber

**EXHIBIT “G”**

**EXHIBIT “G”**

*Heather S. Smith*  
CLERK OF THE COURT

**MRCN**

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*Attorneys for Defendant U.S. RE Corporation*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

COMMISSIONER OF INSURANCE FOR THE  
STATE OF NEVADA AS RECEIVER OF  
LEWIS AND CLARK LTC RISK RETENTION  
GROUP, INC.,

Plaintiff,

vs.

ROBERT CHUR, STEVE FOGG, MARK  
GARBER, CAROL HARTER, ROBERT  
HURLBUT, BARBARA LUMPKIN, JEFF  
MARSHALL, ERIC STICKELS, UNI-TER  
UNDERWRITING MANAGEMENT CORP.  
UNI-TER CLAIMS SERVICES CORP., and U.S.  
RE CORPORATION, DOES 1-50, inclusive; and  
ROES 51-100, inclusive,

Defendants.

CASE NO.: A-14-711535-C  
DEPT. NO.: XXVII

**MOTION TO VACATE ORDER  
DENYING MOTIONS FOR  
RECONSIDERATION**

**(REQUESTED ON ORDER  
SHORTENING TIME)**

OST Hearing Date:  
OST Hearing Time:

Pursuant to NRCP 60, Defendant U.S. Re Corporation ("U.S. Re"), by and through its undersigned counsel, moves this Court to vacate its April 12, 2023 Order denying U.S. Re's two motions for reconsideration ("Order"). Counsel for Plaintiff Commissioner of Insurance for the State

1 of Nevada As Receiver of Lewis And Clark LTC Risk Retention Group, Inc. (“Plaintiff  
2 Commissioner”) submitted the Order to chambers without providing the proposed Order to counsel for  
3 U.S. Re, and the legal bases set forth in the Order for denying U.S. Re’s two motions for reconsideration  
4 are clearly erroneous in that they are contrary to law.

5 Pursuant to EDCR 2.26, U.S. Re respectfully requests its Motion to Vacate Order Denying  
6 Motions for Reconsideration (“Motion”) be heard on shortened time.

7 This Motion is based on the attached Memorandum of Points and Authorities, the Declaration  
8 of George F. Ogilvie III, all the papers and pleadings on file herein, and the arguments of counsel at  
9 any hearing that this Court may entertain on the Motion.

10 DATED this 18th day of May 2023.

11 McDONALD CARANO LLP

12 By: /s/ George F. Ogilvie III

13 George F. Ogilvie III (NSBN 3552)  
14 Karyna M. Armstrong (NSBN 16044)  
15 2300 West Sahara Avenue, Suite 1200  
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21 *Attorneys for Defendant U.S. RE Corporation*  
22  
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**ORDER SHORTENING TIME**

It appearing to the satisfaction of the Court and good cause appearing therefor,

IT IS HEREBY ORDERED that the hearing on the **MOTION TO VACATE ORDER DENYING MOTIONS FOR RECONSIDERATION** shall be shortened and heard before the above-entitled Court in Department XXVII on the 8th day of June, 2023 at 11:00 a.m./~~p.m.~~, or as soon thereafter as counsel may be heard.

IT IS HEREBY FURTHER ORDERED that any opposition shall be filed on or before the 30th day of May, 2023.

Dated this 19th day of May, 2023

*Nancy L Alf*

4A1 F6E 2C4F 4540

Nancy Alf

~~District Court Judge~~

**DECLARATION OF GEORGE F. OGILVIE III IN SUPPORT OF  
MOTION TO VACATE ORDER DENYING MOTIONS FOR RECONSIDERATION  
ON ORDER SHORTENING TIME**

I, George F. Ogilvie III, hereby declare under penalty of perjury as follows:

1. I am an attorney licensed to practice law in the State of Nevada and a partner in the law firm, McDonald Carano LLP. I am co-counsel for U.S. Re Corporation (“U.S. Re”) in the above-captioned action matter. I am over the age of 18 years and a resident of Clark County, Nevada. I have personal knowledge of the facts set forth herein, except as to those stated on information and belief, and as to those, I am informed and believe them to be true. If called as a witness, I could and would competently testify to these matters.

2. This declaration is made pursuant to EDCR 2.26 and in support of U.S. Re’s Motion to Vacate Order Denying Motions for Reconsideration on Order Shortening Time.

3. On July 13, 2022, Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of the Lewis and Clark LTC Risk Retention Group, Inc. (“Plaintiff Commissioner”) and Defendants U.S. Re, Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp. (collectively, the “Corporate Defendants”) executed a Settlement Agreement whereby, the Corporate Defendants agreed to pay Plaintiff Commissioner the total amount of \$5,200,000.00.



1           4.       On August 24, 2022, Plaintiff Commissioner received the second of two checks totaling  
2 the \$5,200,000.00 paid on behalf of the Corporate Defendants for the total amount of the Settlement  
3 Funds, and the funds were deposited and cleared.

4           5.       U.S. Re filed motions for reconsideration relative to this Court's Order Denying U.S.  
5 Re's Motion to Dismiss and Enforce the Settlement Agreement and this Court's Order Granting  
6 Plaintiff Commissioner's Motion for Attorney Fees and Costs. U.S. Re's motions demonstrated that  
7 this Court was not divested of jurisdiction by reason of the Plaintiff Commissioner's Notice of Appeal  
8 because the issues before this Court were independent from and entirely collateral to the appeal.

9           6.       At the February 16, 2023 hearing on the two motions for reconsideration, this Court  
10 denied U.S. Re Corporation's Motion for Reconsideration of Order Granting Motion for Attorney Fees  
11 and Costs, but reserved ruling on U.S. Re Corporation's Motion for Reconsideration of Order Denying  
12 Motion to Dismiss and Enforce Settlement Agreement, and proposed that the parties file a Satisfaction  
13 of Judgment to reach closure in the case. U.S. Re agreed; counsel for Plaintiff Commissioner responded  
14 that he would have to confer with his client.

15           7.       On April 7, 2023, U.S. Re filed its Status Report In Advance Of April 11, 2023  
16 Chambers Calendar, submitting that this Court should proceed with ruling on U.S. Re Corporation's  
17 Motion for Reconsideration of Order Denying U.S. Re's Motion To Dismiss And Enforce Settlement  
18 Agreement.

19           8.       On April 10, 2023, Plaintiff Commissioner filed its Status Report in Advance of April  
20 11, 2023 Chambers Calendar, advising that Plaintiff Commissioner had filed a federal court lawsuit  
21 seeking to void the settlement agreement and asking this Court to deny U.S. Re Corporation's Motion  
22 for Reconsideration of Order Denying U.S. Re's Motion To Dismiss And Enforce Settlement  
23 Agreement.

24           9.       On April 11, 2023, without notifying U.S. Re's counsel or giving U.S. Re's counsel the  
25 opportunity to review and comment, Plaintiff Commissioner's counsel submitted to chambers a  
26 proposed order denying U.S. Re's two motions for reconsideration.

27           10.      Later, also on April 11, 2023, this Court issued an Order directing the parties to appear  
28 for a Status Check on June 8, 2023.

1           11. But on April 12, 2023, this Court issued the signed Order submitted by Plaintiff  
2 Commissioner that U.S. Re was not provided the opportunity to review.

3           12. I immediately sought a telephonic conference with this Court and had my office call to  
4 get this Court's availability.

5           13. At 1:46 p.m. on April 12, 2023, I emailed Plaintiff Commissioner's counsel asking for  
6 his availability for a telephonic conference later that afternoon. I received no response.

7           14. The next day, April 13, 2023, at 11:31 a.m., I emailed Plaintiff Commissioner's counsel,  
8 again asking for his availability for a telephonic conference. Again, I received no response.

9           15. On April 19, 2023, I had my office call this Court's chambers seeking this Court's  
10 availability and was advised that the Honorable Judge Nancy Allf would be available April 20, 2023.

11           16. My office then placed calls to the office of Plaintiff Commissioner's counsel at 11:07  
12 a.m., 12:33 p.m., and 1:00 p.m. on April 20, 2023. We were advised that Plaintiff Commissioner's  
13 counsel was unavailable. Again, we received no response.

14           17. Plaintiff Commissioner's counsel failed to respond to my emails or return the telephone  
15 messages trying to schedule a telephonic hearing with this Court regarding the Order this Court entered  
16 on April 12, 2023

17           18. In response to Plaintiff Commissioner's counsel's failure to respond, U.S. Re  
18 immediately sought an Emergency Request for Status Conference on shortening time.

19           19. At the May 11, 2023 Status Conference, among other arguments, I explained to this  
20 Court that the federal court action was improper under the Settlement Agreement, that the April 12,  
21 2023 Order was improperly submitted and that the legal bases set forth therein were contrary to law,  
22 and that the April 12, 2023 Order should be vacated.

23           20. In response, this Court stated it would not grant an oral motion to vacate and that U.S.  
24 Re could bring a motion for relief on shortening time to address the issues since the parties were only  
25 present for a Status Conference and not a hearing on a motion.

26           21. Thus, good cause exists to hear U.S. Re's Motion on shortened time. U.S. Re asks this  
27 Court to Vacate the April 12, 2023 Order denying the two motions for reconsideration.

28           22. U.S. Re brings this Request in good faith and not for the purpose of delay.

23. In accordance with EDCR 7.30, I certify that I have provided Plaintiff Commissioner’s counsel with a copy of this Motion and the supporting documents.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Executed on this 18th day of May, 2023, at Las Vegas, Nevada.

  
George F. Ogilvie III

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION**

Plaintiff Commissioner and the Corporate Defendants fully executed the Settlement Agreement on July 13, 2022. *See* Settlement Agreement, attached as **Exhibit A**. Under the Settlement Agreement, the insurance carriers for Corporate Defendants agreed to pay Plaintiff Commissioner the total amount of \$5,200,000.00 (“Settlement Funds”). *See id.* at p. 1. As of August 24, 2022, the total Settlement Funds were received by Plaintiff Commissioner. Later, Plaintiff Commissioner deposited the checks, which cleared the bank. *See* Ogilvie Decl. at ¶ 4.

U.S. Re filed its Motion to Dismiss and Enforce Settlement Agreement on Order Shortening Time on October 21, 2022, arguing that the parties had settled, so this Court should not have taken any action on the post-trial motions and the case should be dismissed. Despite receiving the Settlement Funds, Plaintiff Commissioner refused to dismiss U.S. Re from this litigation. *See* Ex. A at ¶ B(4). This Court denied U.S. Re’s Motion to Dismiss and Enforce Settlement Agreement, concluding it was divested of jurisdiction because of Plaintiff Commissioner filing the Notice of Appeal the night before the hearing. *See* November 9, 2022 Notice of Appeal. Soon after, this Court entered two Orders, first denying U.S. Re’s Motion to Dismiss and Enforce Settlement Agreement and second an Order Granting Plaintiff Commissioner’s Attorney Fees and Costs.

On December 14, 2022, U.S. Re filed a motion for reconsideration regarding the November 29, 2022 Order denying U.S. Re’s Motion to Dismiss and Enforce Settlement Agreement (“Reconsideration Motion No. 1”). U.S. Re also moved for reconsideration regarding the December 2,

2022 Order Granting Attorney Fees and Costs (“Reconsideration Motion No. 2”). At the February 16, 2023 hearing on Reconsideration Motion No. 1 and Reconsideration Motion No. 2, this Court denied U.S. Re Corporation’s Motion for Reconsideration of Order Granting Motion for Attorney Fees and Costs, but reserved ruling on U.S. Re Corporation’s Motion for Reconsideration of Order Denying Motion to Dismiss and Enforce Settlement Agreement, and proposed that the parties file a Satisfaction of Judgment to reach the finality that U.S. Re seeks pursuant to the Settlement Agreement. U.S. Re agreed; Plaintiff Commissioner’s counsel advised that he would need to discuss it with his client. *See* Ogilvie Decl. at ¶ 6.

Despite multiple tries to reconcile and come to an agreement or agree to a satisfaction of judgment U.S. Re had no other choice and on April 7, 2023, U.S. Re filed its Status Report In Advance Of April 11, 2023 Chambers Calendar, submitting that this Court should proceed with ruling on U.S. Re Corporation’s Motion for Reconsideration of Order Denying U.S. Re’s Motion To Dismiss And Enforce Settlement Agreement. *See* U.S. Re Corporation’s Status Report In Advance Of April 11, 2023 Chambers Calendar. On April 10, 2023, Plaintiff Commissioner filed its status report ahead of the April 11, 2023 Status Check on chambers calendar, advising that Plaintiff Commissioner had filed a federal court lawsuit seeking to void the settlement agreement and asking this Court to deny U.S. Re Corporation’s Motion for Reconsideration of Order Denying U.S. Re’s Motion To Dismiss And Enforce Settlement Agreement. *See* Plaintiff’s Status Report in Advance of April 11, 2023 Chambers Calendar.

On April 11, 2023, without notifying U.S. Re’s counsel or giving U.S. Re’s counsel the opportunity to review and comment, Plaintiff Commissioner’s counsel submitted to chambers a proposed order denying U.S. Re’s two motions for reconsideration. *See* Ogilvie Decl. at ¶ 9. Later, on April 11, 2023, this Court issued an Order directing the parties to appear for a Status Check on June 8, 2023. *See id.* at ¶ 10; *see also* April 11, 2023 Order. But the next day, on April 12, 2023 this Court issued the signed Order submitted by Plaintiff Commissioner that U.S. Re was not provided the opportunity to review. *See id.* at ¶ 11.

U.S. Re’s counsel immediately sought a telephonic conference with this Court and contacted chambers to ask about this Court’s availability. *See id.* at ¶ 12. U.S. Re also sought availability for

1 Plaintiff Commissioner’s counsel on five separate occasions. *See id.* at ¶¶ 13-16. Plaintiff  
2 Commissioner’s counsel failed to respond to emails and telephone messages in an attempt to set up a  
3 telephonic hearing. *See id.* at ¶ 17. Because of Plaintiff Commissioner and Plaintiff Commissioner’s  
4 counsel’s failure to respond, U.S. Re filed an Emergency Request on Order Shortening Time on April  
5 28, 2023. *See* April 28, 2023 Emergency Request, on file with this Court. In its Emergency Request,  
6 U.S. Re argues that Plaintiff Commissioner’s misconduct submitting an order without letting opposing  
7 counsel review and failing to respond to attempts for scheduling a telephonic conference put U.S. Re  
8 in a position of dire need that a status conference could hopefully resolve. *See id.*

9 Plaintiff Commissioner responded on May 8, 2023 (“Response”). *See* Plaintiff’s Response to  
10 U.S. Re’s Emergency Request for Status Conference, on file with this Court. In its response, Plaintiff  
11 Commissioner makes multiple arguments that are unresponsive to the issues U.S. Re brought forth in  
12 its Emergency Request. For example, Plaintiff Commissioner argues that in order to establish waiver  
13 of the late payment of settlement funds, due process requires there to be an evidentiary hearing. *See*  
14 Response at 5:16-26. Plaintiff Commissioner also argues that the Supreme Court prohibits district  
15 courts from issuing advisory opinions (*See* Response at 7:8-9), but then cites to the advisory opinion  
16 that this Court gave to show that dismissal was not a bargained-for term of the Settlement Agreement.  
17 *See id.* at 5:27-28; 6:1-2.

18 U.S. Re filed its Reply In Support of the Emergency Request (“Reply”) on May 10, 2023, on  
19 file with this Court. In its Reply U.S. Re argues that it took all necessary steps to ensure good faith  
20 negotiation discussions took place with Plaintiff Commissioner, but Plaintiff Commissioner failed to  
21 reciprocate that effort. *See* Reply at 3:1-23; 4:1-17. U.S. Re also argues that the federal court action  
22 and appeal do not divest this Court. *Id.* at 5:11-28; 6:1-6.

23 At the May 11, 2023 Status Conference, among other arguments, I explained to this Court that  
24 the federal court action was improper under the Settlement Agreement, that the April 12, 2023 Order  
25 was improperly submitted and that the legal bases set forth therein were contrary to law, and that the  
26 April 12, 2023 Order should be vacated. Ogilvie Decl. at ¶ 19. Because of Plaintiff Commissioner’s  
27 counsel’s unresponsiveness after this Court issued the April 12, 2023 Order, and the good faith effort  
28 U.S. Re conducted to try to come to a resolution at the May 11, 2023 Status Conference, good cause

exists to hear U.S. Re’s Motion to Vacate the April 12, 2023 Order on shortened time.

**II. ARGUMENT**

**A. Legal Standard**

EDCR 2.24(b) provides that “[a] party seeking reconsideration of a ruling of the court, *other than any order that may be addressed by motion pursuant to NRCP50(b), 52(b), 59 or 60* must file a motion for such relief withing 14 days after service of written notice of the order . . .” EDCR 2.24 (emphasis added). Under NRCP 60(b) the court has the authority to relieve a party from an order for various reasons, including, but not limited to, misrepresentation or misconduct by an opposing party. *See* NRCP 60(b)(3). Further, this Court may relieve a party from its order for “any other reason that justifies relief.” NRCP 60(b)(6). This Court has “wide discretion in deciding whether to grant or deny a motion” to set aside an order. *Cook v. Cook*, 112 Nev. 179, 181, 912 P.2d 264, 265 (1996).

**B. This Court Must Vacate The April 12, 2023 Order because of Plaintiff Commissioner’s Misconduct.**

NRCP 60(b)(3) provides an avenue for a party to seek relief because of misconduct by an opposing party. *See* NRCP 60(b)(3). Plaintiff Commissioner and Plaintiff Commissioner’s counsel’s misconduct is clear. Plaintiff Commissioner unilaterally submitted an order denying U.S. Re’s motions for reconsideration. Ogilvie Decl. at ¶ 9. Once this Court issued the April 12, 2023 Order, Plaintiff Commissioner’s counsel refused to respond to U.S. Re’s counsel’s email and telephone messages on five separate occasions. *See id.* at ¶¶ 13-16. In its Response, Plaintiff Commissioner made multiple arguments that were unresponsive to the issues U.S. Re brought forth in its Emergency Request. Lastly, Plaintiff Commissioner breached the Settlement Agreement by accepting the Settlement Funds, regardless of the late tender, and not releasing U.S. Re “from any and all charges, complaints, claims, promises agreement, controversies, liabilities, obligations, damages, actions, causes of action, suits, rights, demands, costs, losses, debts and expenses, . . .of any nature whatsoever, known or unknown . . .” Ex. A at ¶ B4. Plaintiff Commissioner also breached the Settlement Agreement by bringing a Nevada federal court action against the Insurance Carriers – who are neither parties to the Settlement Agreement nor this case – despite the Settlement Agreement stating multiple times that any legal proceeding arising under this Agreement shall be heard in Clark County, Nevada. *See id.* at ¶¶ N, T.

Thus, U.S. Re asks this Court to grant its Motion for relief under NRCP 60(b)(3) because of the above-mentioned misconduct by opposing counsel and Plaintiff Commissioner's misconduct.

**C. Good Cause Exists To Vacate The April 12, 2023 Order.**

Even if this Court does not believe the Order should be vacated because of Plaintiff Commissioner's misconduct, this Court still has the authority to vacate the Order for "any other reason that justifies relief." NRCP 60(b)(6).

U.S. Re has demonstrated that it took all necessary steps to resolve the issue of the April 12, 2023 Order. U.S. Re tried to contact Plaintiff Commissioner's counsel five separate times to get availability for a telephonic conference with this Court and, when Plaintiff Commissioner's counsel refused to respond, U.S. Re immediately filed its Emergency Request. *See* Ogilvie Decl. at ¶¶ 12-18. At the May 11, 2023 Status Conference, U.S. Re's counsel expressed the errors contained in the April 12, 2023 Order. *See id.* at ¶ 19. This Court stated that U.S. Re could bring a motion for relief on shortening time to address those issues since the parties were only present for a Status Conference and not a hearing on a motion. *See id.* at ¶ 20. Thus, U.S. Re's multiple attempts to resolve these issues outside of a motion to vacate justifies relief under NRCP 60(b)(6).

**D. Neither Plaintiff Commissioner's Appeal, nor the Federal Court Action Divests this Court of Jurisdiction.**

1. The Appeal in Case No. 85907 Before the Nevada Supreme Court Did Not Affect This Court's Jurisdiction.

Generally, a timely notice of appeal would divest a District Court of jurisdiction. *See Kantor v. Kantor*, 116 Nev. 886, 894, 8 P.3d 825, 830 (2000). That said, when an issue is "entirely collateral to and independent from that part of the case taken up by appeal, and in no way affect[s] the merits of the appeal" this Court maintains power and jurisdiction to grant relief. *See id.* (citation omitted); *see also Mack-Manley v. Manley*, 122 Nev. 849, 855, 138 P.3d 525, 529 (2006) ("[T]he district court retains jurisdiction to enter orders on matters that are collateral to and independent from the appealed order, *i.e.*, matters that in no way affect the appeal's merit").

Plaintiff Commissioner did not name U.S. Re in the Case Appeal Statement filed on November 25, 2022, nor in the Docketing Statement filed on December 13, 2022. *See Exhibit B; Exhibit C.* The



Case Appeal Statement and Docketing Statement reveal that Plaintiff Commissioner seeks relief from the Director Defendants, not U.S. Re. U.S. Re has not been named as a Respondent in the appeal and Plaintiff Commissioner has represented to this Court that the Corporate Defendants are not parties to the appeal. Thus, contrary to the language of the April 12, 2023 Order, this Court is not divested of jurisdiction.

2. The Federal Court Action Does Not Divest this Court of Jurisdiction.

Similar to Plaintiff Commissioner’s failure to name U.S. Re as an Appellee in Case No. 85907, there are several reasons why the federal action does not divest this Court of power and jurisdiction to grant U.S. Re relief. First, Plaintiff Commissioner’s federal court action (“Federal Action”), Case No. 2:23-cv-00537-JCM-BNW, names Ironshore Specialty Insurance Company and Catlin Insurance Company, Inc. (the “Insurance Carriers”) as the defendants. *See* Federal Action Complaint at ¶¶ 7-8, attached as **Exhibit D**. Further, in the Federal Action Complaint Plaintiff Commissioner asks this Court to issue a declaratory judgment finding that the Insurance Carriers “owe Plaintiff [Commissioner] the remaining unpaid amounts of the Judgment pursuant to the applicable insurance contracts.” *Id.* at ¶ 33. Even the relief Plaintiff Commissioner seeks does not include U.S. Re and, therefore, this Court is not divested of jurisdiction.

Second, Plaintiff Commissioner’s Federal Action is improper because the plain language of the contract bars either party from seeking relief in federal court. *See Ringle v. Bruton*, 120 Nev. 82, 93, 86 P.3d 1032, 1039 (2004) (“[W]hen a contract is clear, unambiguous, and complete, its terms must be given their plain meaning and the contract must be enforced as written.”). Plaintiff Commissioner argues throughout the Federal Action Complaint that the Insurance Carriers were obligated by the provisions in the Settlement Agreement to pay the Settlement Funds by August 19, 2022. *See generally* Ex. D. Plaintiff Commissioner thereby confirms that the parties must abide by and apply the provisions set forth in the Settlement Agreement. The Settlement Agreement explicitly states that any legal action concerning the Settlement Agreement must be brought in Clark County, Nevada. *See* Ex. A at ¶ N (“[t]he Parties further understand and agree that, in any legal proceeding arising under this Agreement, venue shall be in Clark County, Nevada”); *see also* Ex. A at ¶ T (“[i]n the event that the Parties have any disagreement or dispute arising from or relating to the performance or breach of this Agreement

and/or any additional documents which may be necessary to carry on the purposes of this Agreement, any such action shall be brought in the District Court of Clark County, Nevada and all Parties agree to submit to said Court’s jurisdiction.”) Thus, Plaintiff Commissioner improperly brought the Federal Action. Plaintiff Commissioner cannot argue that the parties must meet their obligations under the Settlement Agreement and then not abide by multiple provisions that state the proper venue for any issues arising from the Settlement Agreement be brought in Clark County, Nevada.

Finally, when the “same issues are to be tried and determined” simultaneously in state and federal actions, “[e]ach court is free to proceed in its own way and in its own time, without reference to the proceedings in the other court.” *Kline v. Burke Const. Co.*, 260 U.S. 226, 230-32 (1922); *see also Colorado River Water Conservation Dist. V. United States*, 424 U.S. 800, 817-819 (1976) (holding that federal courts have an obligation to exercise the jurisdiction given to them; further holding that only where “exceptional” circumstances exist may a district court depart from the general rule that “pendency of an action in the state court is no bar to proceedings concerning the same matter in the Federal court having jurisdiction”) (internal quotations and citations omitted)). As this Court well knows, if multiple cases are opened in multiple courthouses, despite the lack of judicial economy and efficiency in such a strategic choice, it is a race to judgment that counts.

This Court is not divested of jurisdiction and in fact, still maintains the jurisdiction to vacate the April 12, 2023 Order and make a finding on U.S. Re’s motions for reconsideration, without reference to the proceedings in the Federal Action.<sup>1</sup> *Id.*

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<sup>1</sup> The only possible way in which this Court could be divested of jurisdiction is if the court reached finality in the interim and therefore issue or claim preclusion would apply. *See Five Star Cap. Corp. v. Ruby*, 124 Nev. 1048, 1055, 194 P.3d 709, 713 (2008); *Weddell v. Sharp*, 131 Nev. 233, 350 P.3d 80 (2015).

1     **III.     CONCLUSION**

2             For the reasons described above, U.S. Re respectfully requests that this Court grant its motion  
3 to vacate the April 12, 2023 Order.

4             DATED this 18th day of May 2023.

5                             McDONALD CARANO LLP

6  
7             By: /s/ George F. Ogilvie III  
8                     George F. Ogilvie III (NSBN 3552)  
9                     Karyna M. Armstrong (NSBN 16044)  
                      2300 West Sahara Avenue, Suite 1200  
                      Las Vegas, NV 89102

10                     Jon M. Wilson, Esq. (*Pro Hac Vice*)  
11                     LAW OFFICES OF JON WILSON  
12                     13924 Marquesas Way, Unit 1308  
13                     Marina Del Rey, CA. 90292

14                     *Attorneys for Defendant U.S. RE Corporation*

# **EXHIBIT “A”**

## **SETTLEMENT AGREEMENT AND MUTUAL RELEASE**

This Confidential Settlement Agreement and Mutual Release (the "Agreement") is entered into by and between the Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark LTC Risk Retention Group, Inc. ("Plaintiff" or "Commissioner")<sup>1</sup> on the one hand and U.S. Re Corporation ("U.S. Re"), Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp. (collectively, the "Uni-Ter Defendants" and, together with U.S. Re, the "Corporate Defendants") on the other (collectively, the "Parties"). In consideration of the mutual covenants and agreements of the Parties, and other good and valuable consideration, it is warranted and agreed as follows:

### **A. RECITALS**

1. On or about December 23, 2014, Plaintiff filed her complaint commencing Case no. A-14-711535-C (the "Lawsuit") against the Corporate Defendants and other defendants, including Robert Chur ("Chur"), Steve Fogg ("Fogg"), Mark Garber ("Garber"), Carol Harter ("Harter"), Robert Hurlbut ("Hurlbut"), Barbara Lumpkin ("Lumpkin"), Jeff Marshall ("Marshall"), and Eric Stickels ("Stickels" and, collectively, with Chur, Fogg, Garber, Harter, Hurlbut, Lumpkin, and Marshall referred to herein as the "Director Defendants").

2. On December 30, 2021, a Judgment on Jury Verdict was entered granting Judgment in favor of Plaintiff and against the Corporate Defendants ("Judgment").

3. Wherefore, the Parties intend to resolve the present dispute, including any and all issues relating to the allegations that were or could have been made in the Lawsuit.

### **B. TERMS OF AGREEMENT**

The Parties hereby stipulate and agree that the foregoing recitals are true and correct in all respects and are incorporated herein and made a part hereof by this reference. The Parties hereby further agree to the following terms and conditions and further agree to perform any and all acts and execute any and all documents necessary or appropriate to implement the following Agreement.

1. Within 30 days after receipt of a fully-executed copy of this Agreement, a W-9 from Plaintiff identifying the name and address of the payee, and service of notice of entry of an order approving this Agreement by the Eighth Judicial District Court in Clark County, Nevada, in Case no.: A-12-672047-B, STATE OF NEVADA, EX REL. COMMISSIONER OF INSURANCE, IN HIS OFFICIAL CAPACITY AS STATUTORY RECEIVER FOR DELINQUENT DOMESTIC INSURER vs. LEWIS & CLARK LTC RISK RETENTION GROUP, INC. (the "Receivership"), the insurance carriers for the Corporate Defendants will pay Plaintiff the sum of \$5,200,000 (US) by company check(s) (the "Settlement Funds") as consideration. However, all Parties acknowledge and agree that this Agreement is of no force and effect until said Settlement Funds are actually

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<sup>1</sup> Lewis and Clark LTC Risk Retention Group, Inc. shall be referred to herein as the "Company."

received by the Plaintiff, and that this Agreement shall be null and void in the event such Settlement Funds are not received by the Plaintiff within the 30-day time period referenced herein.

2. Catlin Specialty Insurance Company (“Catlin”) issued a \$5,000,000 primary layer of insurance (Policy Number IAP-97329-0514) to U.S. Re (“Catlin Policy”). Ironshore Insurance Company (“Ironshore”) issued a \$5,000,000 excess layer of insurance (Policy Number 000703604) to U.S. Re (“Ironshore Policy”). The Corporate Defendants hereby represent that the Catlin Policy and the Ironshore Policy are the only two policies issued by insurers that have agreed to provide coverage to the Corporate Defendants that have not been exhausted.

3. The Corporate Defendants represent that they have been out of business since 2018 and have no ongoing business interests.

4. Subject to the obligations set forth in this Agreement, Plaintiff hereby releases Tal Piccione, U.S. Re, U.S. Re Companies, Inc., the Uni-Ter Defendants, and the entities identified on Exhibit A hereto, and each of their respective agents, assigns, affiliates, entities (and agents, members, managers, directors, officers, employees, trusts, representatives, and attorneys of such related entities) employees, former employees, representatives, owners, insurers, attorneys, predecessors, and successors, and each of them (the “Defendant Released Parties”), from any and all charges, complaints, claims, promises, agreements, controversies, liabilities, obligations, damages, actions, causes of action, suits, rights, demands, costs, losses, debts and expenses (including attorney’s fees and costs actually incurred), of any nature whatsoever, known or unknown, whether based on tort, subrogation, contract, quasi-contract, or any other theory of recovery or responsibility, that the Plaintiff now has or could have had against the Defendant Released Parties. Further, all Parties acknowledge that nothing in this Agreement, including without limitation this release, in any way releases any applicable claims Plaintiff may have with respect to reinsurers that have issued reinsurance contracts or agreements for the benefit of Lewis & Clark LTC Risk Retention Group, Inc.

5. Subject to the obligations set forth in this Agreement, the Corporate Defendants hereby release Plaintiff, and its respective agents, assigns, affiliates, entities (and agents, members, managers, directors, officers, employees, trusts, representatives, and attorneys of such related entities) employees, former employees, representatives, owners, insurers, attorneys, predecessors, and successors, and each of them (the “Plaintiff Released Parties”), Tal Piccione and the officers and directors of the Corporate Defendants and U.S. Re Companies from any and all charges, complaints, claims, promises, agreements, controversies, liabilities, obligations, damages, actions, causes of action, suits, rights, demands, costs, losses, debts and expenses (including attorney’s fees and costs actually incurred), of any nature whatsoever, known or unknown, whether based on tort, subrogation, contract, quasi-contract, or any other theory of recovery or responsibility, the Corporate Defendants now has or could have had against the Plaintiff Released Parties.

6. On February 17, 2022, Plaintiff filed a notice of appeal commencing appeal Case no. 84253 in the Supreme Court of Nevada (“Appeal”) against the Director Defendants. The Appeal is not being prosecuted against the Corporate Defendants or Tal Piccione, and is asserted against the Director Defendants only.

## SETTLEMENT AGREEMENT AND MUTUAL RELEASE

This Confidential Settlement Agreement and Mutual Release (the "Agreement") is entered into by and between the Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark LTC Risk Retention Group, Inc. ("Plaintiff" or "Commissioner")<sup>1</sup> on the one hand and U.S. Re Corporation ("U.S. Re"), Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp. (collectively, the "Uni-Ter Defendants" and, together with U.S. Re, the "Corporate Defendants") on the other (collectively, the "Parties"). In consideration of the mutual covenants and agreements of the Parties, and other good and valuable consideration, it is warranted and agreed as follows:

### A. RECITALS

1. On or about December 23, 2014, Plaintiff filed her complaint commencing Case no. A-14-711535-C (the "Lawsuit") against the Corporate Defendants and other defendants, including Robert Chur ("Chur"), Steve Fogg ("Fogg"), Mark Garber ("Garber"), Carol Harter ("Harter"), Robert Hurlbut ("Hurlbut"), Barbara Lumpkin ("Lumpkin"), Jeff Marshall ("Marshall"), and Eric Stickels ("Stickels" and, collectively, with Chur, Fogg, Garber, Harter, Hurlbut, Lumpkin, and Marshall referred to herein as the "Director Defendants").

2. On December 30, 2021, a Judgment on Jury Verdict was entered granting Judgment in favor of Plaintiff and against the Corporate Defendants ("Judgment").

3. Wherefore, the Parties intend to resolve the present dispute, including any and all issues relating to the allegations that were or could have been made in the Lawsuit.

### B. TERMS OF AGREEMENT

The Parties hereby stipulate and agree that the foregoing recitals are true and correct in all respects and are incorporated herein and made a part hereof by this reference. The Parties hereby further agree to the following terms and conditions and further agree to perform any and all acts and execute any and all documents necessary or appropriate to implement the following Agreement.

1. Within 30 days after receipt of a fully-executed copy of this Agreement, a W-9 from Plaintiff identifying the name and address of the payee, and service of notice of entry of an order approving this Agreement by the Eighth Judicial District Court in Clark County, Nevada, in Case no.: A-12-672047-B, STATE OF NEVADA, EX REL. COMMISSIONER OF INSURANCE, IN HIS OFFICIAL CAPACITY AS STATUTORY RECEIVER FOR DELINQUENT DOMESTIC INSURER vs. LEWIS & CLARK LTC RISK RETENTION GROUP, INC. (the "Receivership"), the insurance carriers for the Corporate Defendants will pay Plaintiff the sum of \$5,200,000 (US) by company check(s) (the "Settlement Funds") as consideration. However, all Parties acknowledge and agree that this Agreement is of no force and effect until said Settlement Funds are actually

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<sup>1</sup> Lewis and Clark LTC Risk Retention Group, Inc. shall be referred to herein as the "Company."



received by the Plaintiff, and that this Agreement shall be null and void in the event such Settlement Funds are not received by the Plaintiff within the 30-day time period referenced herein.

2. Catlin Specialty Insurance Company (“Catlin”) issued a \$5,000,000 primary layer of insurance (Policy Number IAP-97329-0514) to U.S. Re (“Catlin Policy”). Ironshore Insurance Company (“Ironshore”) issued a \$5,000,000 excess layer of insurance (Policy Number 000703604) to U.S. Re (“Ironshore Policy”). The Corporate Defendants hereby represent that the Catlin Policy and the Ironshore Policy are the only two policies issued by insurers that have agreed to provide coverage to the Corporate Defendants that have not been exhausted.

3. The Corporate Defendants represent that they have been out of business since 2018 and have no ongoing business interests.

4. Subject to the obligations set forth in this Agreement, Plaintiff hereby releases Tal Piccione, U.S. Re, U.S. Re Companies, Inc., the Uni-Ter Defendants, and the entities identified on Exhibit A hereto, and each of their respective agents, assigns, affiliates, entities (and agents, members, managers, directors, officers, employees, trusts, representatives, and attorneys of such related entities) employees, former employees, representatives, owners, insurers, attorneys, predecessors, and successors, and each of them (the “Defendant Released Parties”), from any and all charges, complaints, claims, promises, agreements, controversies, liabilities, obligations, damages, actions, causes of action, suits, rights, demands, costs, losses, debts and expenses (including attorney’s fees and costs actually incurred), of any nature whatsoever, known or unknown, whether based on tort, subrogation, contract, quasi-contract, or any other theory of recovery or responsibility, that the Plaintiff now has or could have had against the Defendant Released Parties. Further, all Parties acknowledge that nothing in this Agreement, including without limitation this release, in any way releases any applicable claims Plaintiff may have with respect to reinsurers that have issued reinsurance contracts or agreements for the benefit of Lewis & Clark LTC Risk Retention Group, Inc.

5. Subject to the obligations set forth in this Agreement, the Corporate Defendants hereby release Plaintiff, and its respective agents, assigns, affiliates, entities (and agents, members, managers, directors, officers, employees, trusts, representatives, and attorneys of such related entities) employees, former employees, representatives, owners, insurers, attorneys, predecessors, and successors, and each of them (the “Plaintiff Released Parties”), Tal Piccione and the officers and directors of the Corporate Defendants and U.S. Re Companies from any and all charges, complaints, claims, promises, agreements, controversies, liabilities, obligations, damages, actions, causes of action, suits, rights, demands, costs, losses, debts and expenses (including attorney’s fees and costs actually incurred), of any nature whatsoever, known or unknown, whether based on tort, subrogation, contract, quasi-contract, or any other theory of recovery or responsibility, the Corporate Defendants now has or could have had against the Plaintiff Released Parties.

6. On February 17, 2022, Plaintiff filed a notice of appeal commencing appeal Case no. 84253 in the Supreme Court of Nevada (“Appeal”) against the Director Defendants. The Appeal is not being prosecuted against the Corporate Defendants or Tal Piccione, and is asserted against the Director Defendants only.

7. Nothing in this Agreement is or shall be construed to constitute a release in any way against any and all claims Plaintiff has or may have against the Director Defendants, or any of them.

**C. UNKNOWN CLAIMS.**

The Parties understand and agree that there is a risk that subsequent to the execution of the Agreement, the Parties may discover claims which were unknown or unanticipated at the time the Agreement was executed, which if known by the Parties on the date the Agreement is executed may have materially affected their decision to execute the Agreement. The Parties understand and agree that by reason of the Agreement, they are assuming the risk of such unknown claims and agree that the releases contained herein apply to any and all such claims.

**D. ADEQUACY OF CONSIDERATION.**

The Parties agree and acknowledge that the covenants and promises made by them in this Agreement are sufficient, just and adequate consideration for their respective covenants and promises.

**E. COSTS AND ATTORNEY FEES**

If any legal action or other proceeding is brought by any of the Parties hereto relating to this Agreement or to recover damages or equitable relief for a breach or threatened breach thereof, the prevailing party shall recover its costs and reasonable attorneys' fees incurred in such an action or proceeding.

**F. ENTIRE AGREEMENT**

All prior or contemporaneous understandings or agreements between the Parties as they relate to the Agreement are merged into this Agreement, and it alone expresses the agreement of the Parties. This Agreement may be modified only in writing, signed by all the Parties hereto, and no term or provision may be waived except by such writing. There are no other agreements or representations, express or implied, either oral or in writing, between the Parties, concerning the subject matter of this Agreement, except as specifically set forth in this Agreement. There are no promises, agreements or expectations of the Parties unless otherwise stated in this Agreement.

**G. APPLICABLE LAW**

This Agreement was drafted through the joint efforts of the Parties and/or through counsel, and shall not be read for or against any Party to this Agreement on that account. This Agreement is intended to be enforced according to its written terms under the laws of the State of Nevada. Venue for any legal action concerning this Agreement shall lie exclusively in the state Courts of Nevada. All Parties consent to jurisdiction and venue in those Courts.

## **H. COUNTERPARTS**

This Agreement may be executed in any number of counterparts, and each counterpart executed by any of the undersigned together with all other counterparts so executed shall constitute a single instrument and agreement of the Parties. Facsimile and Portable Document Format ("PDF") copies hereof, as well as facsimile and PDF signatures hereon, shall have the same force and effect as originals.

## **I. MUTUAL WARRANTIES**

Each Party to this Agreement warrants and represents to the other that they have not assigned or transferred to any person or entity not a Party hereto any claim or other released matter, or any part or portion thereof, and that each Party has the authority to sign this Agreement, and each individual executing this Agreement on behalf of any entity or person specifically warrants that he or she has the authority to sign this Agreement.

## **J. NOTICE**

All notices or demands of any kind that any Party is required to or desires to give in connection with this Agreement shall be in writing and shall be delivered by facsimile and/or by depositing the notice or demand in the United States mail, postage prepaid, and addressed to the Parties as follows:

- 1) If to Plaintiff:  
Hutchison & Steffen  
Attn: Brenoch R. Wirthlin, Esq.  
Peccole Professional Park  
10080 West Alta Drive, Suite 200  
Las Vegas, NV 89145  
Email: [bwirthlin@hutchlegal.com](mailto:bwirthlin@hutchlegal.com)
- 2) If to the Corporate Defendants:  
George F. Ogilvie III, Esq.  
Nevada Bar No. 3552  
MCDONALD CARANO LLP  
2300 West Sahara Avenue, Suite 1200  
Las Vegas, NV 89102  
Telephone: (702) 873-4100  
Facsimile: (702) 873-9966  
[gogilvie@mcdonaldcarano.com](mailto:gogilvie@mcdonaldcarano.com)  
  
Jon M. Wilson, Esq. (Appearing *Pro Hac Vice*)  
LAW OFFICES OF JON WILSON  
13924 Marquesas Way, Unit 1308  
Marina Del Rey, CA. 90292  
Telephone: (310) 626-2216

**L. ADDITIONAL WARRANTIES**

The Parties represent and warrant as follows:

- a. They have full power and authority to execute this Agreement and this Agreement constitutes a legal, valid and binding obligation, enforceable in accordance with its terms and conditions;
- b. They have not sold, assigned or otherwise transferred any interest in the Lawsuit settled herein;
- c. They represent and agree that they have had full and fair opportunity to discuss all provisions, terms and conditions of this Agreement with their legal counsel, they have read and fully understand all of the provisions, terms and conditions of this Agreement, and that they are voluntarily entering into this Agreement;
- d. They represent and agree that they have had the opportunity to be represented throughout the negotiation and documentation of this Agreement by attorneys or financial advisors of their choice and have had the opportunity to be advised by such attorneys or financial advisors with respect to this Agreement and the effect of the releases given in this Agreement; and
- e. They warrant that no promise or inducement has been offered except as herein set forth; that this Agreement is executed without reliance upon any statement or representation by either party and/or their representatives, concerning the nature and extent of any damages, and/or legal liability therefore; that they are of legal age, legally competent to execute this Agreement, and accept full responsibility therefor.

**M. BINDING EFFECT, SUCCESSORS, AND ASSIGNS.**

This Agreement shall be binding upon and inure to the benefit of the successors, assigns, subsidiaries, parent corporations, partners, and affiliates, as well as all other persons or entities claiming through them.

**N. GOVERNING LAW AND CONSENT TO PERSONAL JURISDICTION.**

The laws of the state of Nevada shall govern this Agreement. The Parties further understand and agree that, in any legal proceeding arising under this Agreement, venue shall be in Clark County, Nevada.

**O. MODIFICATION.**

This Agreement may not be amended, altered, modified, or otherwise changed in any respect whatsoever, except by a subsequent writing executed by all Parties to the Agreement.

**P. TAX CONSEQUENCES.**

The Parties acknowledge that this Agreement may have tax or other consequences, and they are not relying on any other party for advice or communications as to any potential consequences. This Agreement is enforceable regardless of its tax consequences. The Parties make no representations regarding the Agreement's tax consequences.

**Q. ENFORCEABILITY.**

The Parties understand and agree that if any provision of this Agreement is determined to be wholly or partially illegal, invalid, contrary to public policy or unenforceable, the legality, validity, and enforceability of the remaining parts, terms, or provisions shall not be affected thereby, and said illegal, unenforceable, or invalid part, term, or provision shall be first amended to give it/them the greatest effect allowed by law and to reflect the intent of the Parties. If this modification is not possible under applicable law, such term shall be deemed not to be a part of this Agreement and the remainder of this Agreement shall not be affected by such invalidity or unenforceability but shall remain in full force and effect.

**R. WAIVER.**

The provisions of this Agreement may not be waived by either party except by a subsequent writing executed by all Parties. The waiver by either party of any term, condition or provision of this Agreement shall not be construed as a waiver of any other or subsequent term, condition or provision.

**S. HEADINGS.**

The headings of each paragraph shall not be given any meaning, are not intended to be used to interpret this Agreement, are not to be used to explain, expand, contract or limit the language of this Agreement in any way, and are only included for the purpose of easy reference.

**T. DISPUTES.**

In the event that the Parties have any disagreement or dispute arising from or relating to the performance or breach of this Agreement and/or any additional documents which may be necessary to carry on the purposes of this Agreement, any such action shall be brought in the District Court of Clark County, Nevada and all Parties agree to submit to said Court's jurisdiction. In the event it is necessary for the aggrieved party or their authorized representative, successor, or assign to institute suit

in connection with this Agreement or its breach, the prevailing party in such suit or proceeding shall be entitled to reimbursement for its reasonable costs, expenses and attorneys' fees incurred, in addition to appropriate damages and equitable relief.

[SIGNATURE PAGES TO FOLLOW]

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IN WITNESS WHEREOF, THE UNDERSIGNED PARTIES HAVE CAREFULLY READ AND CONSIDERED THE FOREGOING SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS IN ITS ENTIRETY AND KNOW AND FULLY UNDERSTAND ITS CONTENTS AND THE SIGNIFICANCE OF ITS CONTENTS.

Dated: 7/13/2022 [Signature]  
COMMISSIONER OF INSURANCE FOR THE STATE OF NEVADA

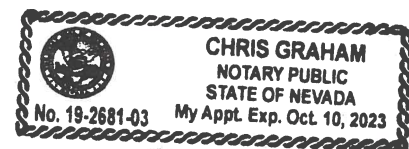
STATE OF NEVADA BY Barbara Richardson, its Commissioner

COUNTY OF CLARK Carson City CA  
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§  
§

ACKNOWLEDGED, AGREED, SUBSCRIBED, AND SWORN TO BEFORE ME in person by Barbara Richardson, as Commissioner, on behalf of COMMISSIONER OF INSURANCE FOR THE STATE OF NEVADA, a Nevada corporation, on this 13<sup>th</sup> day of July, 2022, to certify which witness my hand and seal of office.

[Signature]  
NOTARY PUBLIC in and for  
said County and State

My commission expires:  
10-10-23



IN WITNESS WHEREOF, THE UNDERSIGNED PARTIES HAVE CAREFULLY READ AND CONSIDERED THE FOREGOING SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS IN ITS ENTIRETY AND KNOW AND FULLY UNDERSTAND ITS CONTENTS AND THE SIGNIFICANCE OF ITS CONTENTS.

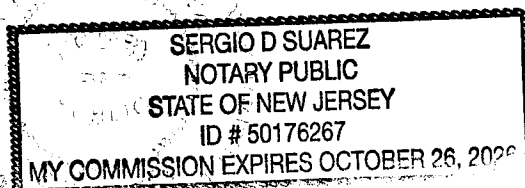
Dated: JUNE 29, 2022 TAL PICO  
U.S. RE CORPORATION

New Jersey  
STATE OF NEVADA  
Berger  
COUNTY OF CLARK  
BY TAL PICO CHAIRMAN  
§  
§  
§

ACKNOWLEDGED, AGREED, SUBSCRIBED, AND SWORN TO BEFORE ME in person by TAL PICO, as Chairman, on behalf of U.S. RE CORPORATION, on this 29 day of June, 2022, to certify which witness my hand and seal of office.

[Signature]  
NOTARY PUBLIC in and for  
said County and State

My commission expires:  
10/26/2024





Dated:

6/29/2022

TAL PROCTOR  
UNI-TER UNDERWRITING MANAGEMENT CORP.

BY

TAL PROCTOR CHAIRMAN

STATE OF NEVADA

§  
§  
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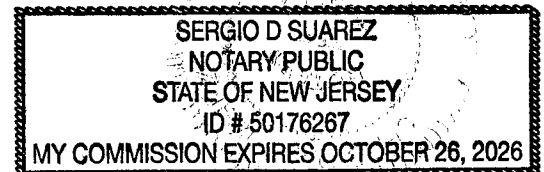
COUNTY OF CLARK

ACKNOWLEDGED, AGREED, SUBSCRIBED, AND SWORN TO BEFORE ME in person by TAL PROCTOR, as CHAIRMAN, on behalf of UNI-TER UNDERWRITING MANAGEMENT CORP., on this 29 day of JUNE, 2022, to certify which witness my hand and seal of office.

SERGIO D SUAREZ  
NOTARY PUBLIC in and for  
said County and State

My commission expires:

10/26/2026



Dated:

6/29/2022

TAL PROCTOR  
UNI-TER CLAIMS SERVICES CORP.

BY

TAL PROCTOR CHAIRMAN

STATE OF NEVADA

§  
§  
§

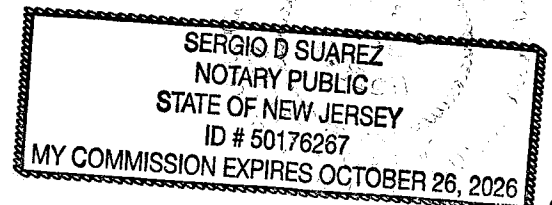
COUNTY OF CLARK

ACKNOWLEDGED, AGREED, SUBSCRIBED, AND SWORN TO BEFORE ME in person by TAL PROCTOR, as Chairman, on behalf of UNI-TER CLAIMS SERVICES CORP., on this 29 day of JUNE, 2022, to certify which witness my hand and seal of office.

SERGIO D SUAREZ  
NOTARY PUBLIC in and for  
said County and State

My commission expires:

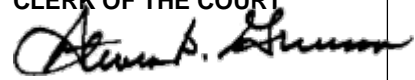
10/26/2026



## EXHIBIT A

|                                                                                       |
|---------------------------------------------------------------------------------------|
| U.S. RE Companies, Inc.                                                               |
| U.S. RE Corporation                                                                   |
| U.S. RE Holdings, Ltd.                                                                |
| U.S. RE Corp. International, Ltd.                                                     |
| Uni-Ter International Management Company, Ltd.                                        |
| U.S. RE Agencies, Inc.                                                                |
| Uni-Ter International Insurance Company                                               |
| Fenelon Ventures, LLC (Inactive)                                                      |
| Fenelon Ventures II, LLC (Inactive)                                                   |
| Fenelon Ventures IV, LLC                                                              |
| U.S. RE Securities, LLC                                                               |
| U.S. RE Insurance Services Corporation (formerly Quadrant Und. Mgmt. Corp)            |
| U.S. RE Consulting Agency Services, Inc (formerly Quadrant Ins. Managers Agency Inc.) |
| U.S. RE Risk Alternatives, LLC                                                        |
| Euro RE dba U.S. RE Europe                                                            |
| U.S. RE ApS (formerly Euro RE ApS)                                                    |
| U.S. RE Analytics, LLC                                                                |
| Blue Hill Claims Management, LLC                                                      |
| U.S. RE Do Brasil Corretora de Resseguros, LTDA                                       |
| U.S. RE Risk Services Corp.                                                           |
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# **EXHIBIT “B”**



Brenoch R. Wirthlin, Esq. (10282)  
**Hutchison & Steffen**  
Peccole Professional Park  
10080 West Alta Drive, Suite 200  
Las Vegas, Nevada 89145  
Telephone: (702) 385.2500  
Facsimile: (702) 385.2086  
E-Mail: [bwirthlin@hutchlegal.com](mailto:bwirthlin@hutchlegal.com)  
*Attorneys for Plaintiff*

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

\* \* \*

COMMISSIONER OF INSURANCE FOR  
THE STATE OF NEVADA AS RECEIVER  
OF LEWIS AND CLARK LTC RISK  
RETENTION GROUP, INC.,

Plaintiff,

vs.

ROBERT CHUR, STEVE FOGG, MARK  
GARBER, CAROL HARTER, ROBERT  
HURLBUT, BARBARA LUMPKIN, JEFF  
MARSHALL, ERIC STICKELS, UNI-TER  
UNDERWRITING MANAGEMENT CORP.,  
UNI-TER CLAIMS SERVICES CORP., and  
U.S. RE CORPORATION,; DOES 1-50,  
inclusive; and ROES 51-100, inclusive;

Defendants.

Case No.: A-14-711535-C

Dept. No.: XXVII

Nevada Supreme Court Docket No. 85668

**CASE APPEAL STATEMENT**

**1. Name of appellant filing this case appeal statement:** Commissioner of Insurance  
for the State of Nevada as Receiver for Lewis and Clark LTC Risk Retention Group, Inc.  
("Appellant" or "Commissioner of Insurance").

**2. Identify the judge issuing the decision, judgment, or order appealed from:**  
Honorable Nancy L. Allf, Department XXVII, of the Eighth Judicial District Court.

1           **3. Identify each appellant and the name and address of counsel for each**  
2 **appellant:** Counsel for Commissioner of Insurance is Brenoch Wirthlin, Esq., Hutchison &  
3 Steffen, 10080 W. Alta Dr., Suite 200, Las Vegas, Nevada 89145.

4           **4. Identify each respondent and the name and address of appellate counsel, if**  
5 **known, for each respondent (if the name of a respondent's appellate counsel is unknown,**  
6 **indicate as much and provide the name and address of that respondent's trial counsel): \**

8           Respondents:           Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert  
9                                       Hurlbut, Barbara Lumpkin, Jeff Marshall and Eric Stickels  
                                         (collectively "Director Defendants")

10          Counsel:               Angela Nakamura Ochoa, Esq.  
11                                       Joseph P. Garin, Esq.  
12                                       Lipson Neilson, P.C.  
13                                       9900 Covington Cross Drive, Suite 120  
                                         Las Vegas, NV 89144

14           **5. Indicate whether any attorney identified above in response to question 3 or 4**  
15 **is not licensed to practice law in Nevada and, if so, whether the district court granted that**  
16 **attorney permission to appear under SCR 42 (attach a copy of any district court order**  
17 **granting such permission):** All counsel for Appellant and Respondents are licensed in the State  
18 of Nevada.

19           **6. Indicate whether appellant was represented by appointed or retained counsel**  
20 **in the district court:** Retained.

21           **7. Indicate whether appellant is represented by appointed or retained counsel on**  
22 **appeal:** Retained.

23           **8. Indicate whether appellant was granted leave to proceed in forma pauperis,**  
24 **and the date of entry of the district court order granting such leave:** Leave to file in *forma*  
25 *pauperis* was not requested.

26           **9. Indicate the date the proceedings commenced in the district court (e.g., date**  
27 **complaint, indictment, information, or petition was filed):** December 23, 2014.  
28

1           **10.     Provide a brief description of the nature of the action and result in the district**  
2 **court, including the type of judgment or order being appealed and the relief granted by the**  
3 **district court:**

4           The Commissioner of Insurance of Nevada was appointed receiver of an insolvent Nevada  
5 insurer named Lewis and Clark LTC Risk Retention Group, Inc. (“L&C”), and filed suit against  
6 L&C’s directors, managers, and reinsurance broker, relying upon existing Nevada law when  
7 drafting her complaint, which was filed on December 24, 2014. Subsequently, the basis of  
8 pleading director liability in Nevada changed with the Court’s opinion in *Chur v. Eighth Judicial*  
9 *Dist. Court*, 136 Nev. 68, 458 P.3d 336 (2020), which substantively altered the law regarding  
10 director liability in Nevada. Within the time period allowed by the District Court for amending  
11 her pleadings, the Commissioner of Insurance moved to amend her complaint against the Director  
12 Defendants in order to comply with the change to Nevada law following Court’s opinion in *Chur*.  
13 The District Court, however, denied Appellant’s motion to amend, despite also having relied upon  
14 *Shoen v. SAC Holding Corp.*, 122 Nev. 621, 640, 137 P.3d 1171, 1184 (2006), in its prior rulings.  
15 As a result of the District Court’s refusal to allow Plaintiff to amend her pleadings within the time  
16 period allowed by the District Court, the Director Defendants were dismissed from the action. The  
17 Commissioner of Insurance proceeded in the action against the remaining defendants, Uni-Ter  
18 Underwriting Management Corp., Uni-Ter Claims Services Corp., and U.S. Re Corporation  
19 (“Corporate Defendants”), and on October 14, 2021 following a three-week trial, was awarded a  
20 unanimous jury verdict in the amount of \$15,222,853.00.

21           The Commissioner of Insurance seeks relief from the District Court’s erroneous rulings  
22 related and/or leading to the dismissal of the Director Defendants from the District Court action,  
23 and appeals the following judgments and orders granted by the District Court: (1) Order Denying  
24 Plaintiff’s Motion for Leave to File Fourth Amended Complaint dated and entered August 10,  
25 2020, which denied Plaintiff leave to file a fourth amended complaint; (2) Findings of Fact,  
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1 Conclusions of Law and Order Denying Plaintiff's Motion for Leave to File Fourth Amended  
2 Complaint dated and entered August 10, 2020, which denied Plaintiff leave to file a fourth  
3 amended complaint; (3) Order to Strike from Record dated August 13, 2020, which struck from  
4 the record a second version of the order inadvertently filed by the Court; (4) Order Granting  
5 Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara  
6 Lumpkin, Jeff Marshall, and Eric Stickels' Motion for Judgment on the Pleadings Pursuant to  
7 NRCP 12(c) and Judgment Thereon dated August 13, 2020 and entered August 14, 2020, granting  
8 judgment to the Director Defendants on the pleadings; (5) Findings of Fact, Conclusions of Law  
9 and Order Denying the Motion for Reconsideration of Motion for Leave to Amend Regarding  
10 Director Defendants dated September 9, 2020 and entered September 10, 2020, denying Plaintiff's  
11 motion for reconsideration of the District Court order denying Plaintiff leave to file a fourth  
12 amended complaint; (6) Order Denying Plaintiff's Motion to Retax and Settle Costs of Director  
13 Defendants dated July 16, 2021 and entered July 29, 2021, denying Plaintiff's motion to retax and  
14 settle costs with respect to the Director Defendants; (7) Order Granting in Part and Denying in Part  
15 Plaintiff's Motion for Declaratory Relief dated and entered August 17, 2021, which denied in part  
16 Plaintiff's motion for declaratory relief to the extent that there was no request for declaratory relief  
17 in the third amended complaint; (8) Discovery Commissioner's Report and Recommendations  
18 dated, filed and served on August 23, 2021, recommending denial of Plaintiff's motion to compel  
19 additional discovery; (9) Order Regarding Discovery Commissioner's Report and  
20 Recommendations dated September 17, 2021 and filed on September 18, 2021, adopting the  
21 recommendation of the discovery commissioner and denying Plaintiff's motion to compel  
22 additional discovery; (10) Order Granting In Part And Denying In Part Plaintiff's Motion In Limine  
23 No. 2 dated September 20, 2021, which denied in part testimony regarding unperformed solvency  
24 analysis; (11) Order Granting In Part And Denying In Part Plaintiff's Motion For Partial Summary  
25 Judgment As To U.S. Re Corporation dated September 20, 2021, which denied the motion to the  
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1 extent that it is a question for the trier of fact to determine the effect of U.S. Re Corporation's  
2 failure to obtain a Nevada license to broker reinsurance; (12) Order Denying Plaintiff's Motion In  
3 Limine Number 5 To Limit The Scope Of Expert Witness Testimony Regarding Speculation  
4 Concerning The Economy dated September 24, 2021, which allowed speculative testimony by  
5 expert witnesses regarding the economy at trial; (13) Order Denying Plaintiff's Motion In Limine  
6 Number 4: To Preclude Any Reference To Reinsurance Estimates dated September 24, 2021,  
7 which allowed testimony at trial regarding reinsurance estimates; (14) Order Denying Plaintiff's  
8 Motion In Limine Number 1 To Preclude Sam Hewitt From Providing Expert Testimony  
9 Regarding Insolvency Analysis dated September 24, 2021, which allowed expert witness  
10 testimony by Sam Hewitt regarding insolvency analysis at trial; (15) Order Denying Plaintiff's  
11 Motion In Limine Number 6 To Strike Proffered Expert Witness Alan Gray dated September 24,  
12 2021, which allowed expert witness testimony by Alan Gray at trial; (16) Order Denying Plaintiff  
13 s Motion For Partial Summary Judgment Regarding Uni-Ter Defendants Breach Of Their  
14 Fiduciary Duties dated September 27, 2021, which denied summary judgment to Plaintiff  
15 regarding breach of fiduciary duties by Uni-Ter Underwriting Management Corp. and Uni-Ter  
16 Claims Services Corp.; (17) Order Granting Motion to Exclude Interest dated December 15, 2021,  
17 which denied interest to accrue to Plaintiff during periods of stay; (18) Order of Dismissal Without  
18 Prejudice in favor of Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut,  
19 Barbara Lumpkin, Jeff Marshall, and Eric Stickels dated February 25, 2016 and docketed March  
20 3, 2016, granting the Director Defendants' motion for dismissal; (19) Order of Dismissal dated  
21 May 4, 2016, and docketed May 12, 2016, granting the Director Defendants' motion for dismissal;  
22 (20) Judgment in favor of Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut,  
23 Barbara Lumpkin, Jeff Marshall, and Eric Stickels dated August 13, 2020 and docketed August  
24 14, 2020, granting the Director Defendants judgment on the pleadings; (21) Order Denying  
25 Plaintiff's Motion to Lift Stay or Alternatively Grant Plaintiff Other Relief dated and entered  
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1 August 12, 2019, denying Plaintiff's motion to lift stay or grant other relief; (22) Order Denying  
2 Motion to Substitute dated February 21, 2019 and entered February 26, 2019, denying Plaintiff's  
3 motion to substitute the proper party in place of deceased Defendant Barbara Lumpkin; (23) Order  
4 Granting in Part Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut,  
5 Barbara Lumpkin, Jeff Marshall, and Eric Stickels Motion to Strike dated November 6, 2018,  
6 granting in part the Director Defendants' motion to strike Plaintiff's countermotion for summary  
7 judgment; and (24) Order Granting in Part Defendants Robert Chur, Steve Fogg, Mark Garber,  
8 Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels Motion to Dismiss  
9 dated February 25, 2016 and entered February 26, 2016, granting in part the Director Defendants'  
10 motion to dismiss.  
11

12 **11. Indicate whether the case has previously been the subject of an appeal to or**  
13 **original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court**  
14 **docket number of the prior proceeding:**  
15

16 Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara  
17 Lumpkin, Jeff Marshall and Eric Stickels vs. The Eighth Judicial District Court of  
18 the State of Nevada, in and for the County of Clark and the Honorable Nancy L. Allf, District Judge, Case No. 78301

19 Commissioner of Insurance for the State of Nevada as Receiver of Lewis and  
20 Clark LTC Risk Retention Group, Inc. v. The Eighth Judicial District Court of the  
21 State of Nevada, in and for the County of Clark and the Honorable Nancy L. Allf, District Judge, Case No. 81857

22 Commissioner of Insurance for the State of Nevada as Receiver of Lewis and  
23 Clark LTC Risk Retention Group, Inc. v. Robert Chur, Steve Fogg, Mark Garber,  
24 Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall and Eric Stickels, Case No. 84253

25 Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara  
26 Lumpkin, Jeff Marshall and Eric Stickels vs. Commissioner of Insurance for the State of  
27 Nevada as Receiver of Lewis and Clark LTC Risk Retention Group, Inc., Case No. 84311  
28

**12. Indicate whether this appeal involves child custody or visitation:** This case does not involve child custody or visitation.

**13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:** The Commissioner of Insurance is willing to discuss settlement.

DATED this 25th day of November, 2022.

HUTCHISON &amp; STEFFEN, PLLC

/s/Brenoch Wirthlin  
Brenoch R. Wirthlin, Esq. (10282)  
Nevada Bar No. 14285  
10080 West Alta Drive, Suite 200  
Las Vegas, Nevada 89145  
*Attorneys for Plaintiff*

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**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that on this 25th day of November, 2022, I caused the document entitled **CASE APPEAL STATEMENT** to be served on the following by Electronic Service to:

**ALL PARTIES ON THE E-SERVICE LIST**

/s/ Jon Linder  
An Employee of Hutchison & Steffen, PLLC

# **EXHIBIT “C”**

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COMMISSIONER OF INSURANCE  
FOR THE STATE OF NEVADA AS  
RECEIVER OF LEWIS AND CLARK  
LTC RISK RETENTION GROUP,  
INC.,

VS.

## Respondents.

Appellants, by and through their counsel, Hutchison & Steffen, PLLC, hereby submit the following Docketing Statement pursuant to Nevada Rule of Appellate Procedure (NRAP) 14.

All appellants not in proper person must complete the docketing statement. NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, classifying cases for en banc, panel, or expedited treatment, compiling statistical information and identifying parties and their counsel.

## WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 27 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. *See KDI Sylvan Pools v. Workman*, 107, Nev. 340, 810 P.2d 1217 (1991). Please use tab dividers to separate any attached documents.

### 1. **Judicial District:**

Eighth Judicial District

Department: XXVII

Country: Clark County

Judge: Honorable Nancy L. Allf

Case No. A-14-711535-C

### 2. **Attorney filing this docketing statement:**

Attorney: Brenoch R. Wirthlin, Esq.

Firm: Hutchison & Steffen, PLLC

Address: 10080 W. Alta Drive, Ste. 200

Las Vegas, Nevada 89145

702-385-2500

Client(s): Commissioner of Insurance for the State of Nevada as Receiver  
of Lewis & Clark LTC Risk Retention Group, Inc.

If this is a joint statement by multiple applicants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they

concur in the filing of this statement

3. **Attorney(s) representing respondent(s):**

Attorney: Angela Nakamura Ochoa, Esq.  
Joseph P. Garin, Esq.  
Lipson Neilson, P.C.  
9900 Covington Cross Drive, Suite 120  
Las Vegas, NV 89144

Client(s): Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert  
Hurlbut, Barbara Lumpkin, Jeff Marshall and Eric Stickels  
(collectively "Director Defendants")

4. **Nature of disposition below (check all that apply):**

Judgment after bench trial  
Judgment after jury verdict  
Summary Judgment  
Default Judgment

**X Dismissal**

Lack of Jurisdiction

**X Failure to State a  
Claim**

Failure to Prosecute

Other (specify)

Grant/Denial of NRCP 60(b) relief  
Grant/Denial of Injunction  
Grant/Denial of Declaratory Relief  
Review of Agency Determination  
Divorce Decree

Original      Modification

**X Other disposition (specify):**

- **Denial of Motion to Amend Complaint**
- **Denial of Motion for Partial Reconsideration of Denial of Motion to Amend Complaint**
- **Order Denying Motion for Leave to File Fourth Amended Complaint**
- **Findings of Fact, Conclusions of Law and Order Denying Plaintiff's Motion for Leave to File Fourth Amended Complaint**
- **Order to Strike from Record**
- **Findings of Fact, Conclusions**

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of Law and Order Denying the  
Motion for Reconsideration of  
Motion for Leave to Amend

- Order Denying Motion to Retax and Settle Costs
- Order Granting in Part and Denying in Part Motion for Declaratory Relief
- Discovery Commissioner's Report and Recommendations
- Order Regarding Discovery Commissioner's Report and Recommendations
- Order Granting In Part And Denying In Part Motion In Limine
- Order Granting Motion For Partial Summary Judgment
- Order Denying Motion In Limine(s)
- Order Denying Motion For Partial Summary Judgment
- Order Granting Motion to Exclude Interest
- Order of Dismissal
- Order Denying Motion to Lift Stay or Alternatively Grant Plaintiff Other Relief
- Order Denying Motion to Substitute
- Order Granting Motion to Strike
- Order Granting Motion to Dismiss

5. Does this appeal raise issues concerning any of the following:  
Child custody (visitation rights only)  
Venue  
Termination of parental rights



1 This case does not involve child custody or visitation, venue, or termination  
2 of parental rights.

- 3 6. **Pending and prior proceedings in this court.** List the case name and  
4 docket number of all appeals or original proceedings presently or previously  
5 pending before this court which are related to this appeal:

6 Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut,  
7 Barbara Lumpkin, Jeff Marshall and Eric Stickels v. The Eight Judicial  
8 District Court of the State of Nevada, in and for the County of Clark and the  
Honorable Nancy L. Allf, District Court Judge, Case No. 78301.

9 Commissioner of Insurance for the State of Nevada as Receiver of Lewis &  
10 Clark LTC Risk Retention Group, Inc. v. The Eight Judicial District Court of  
11 the State of Nevada, in and for the County of Clark and the Honorable  
12 Nancy L. Allf, District Court Judge, Case No. 81857.

13 Commissioner of Insurance for the State of Nevada as Receiver of Lewis &  
14 Clark LTC Risk Retention Group, Inc. v. The Eight Judicial District Court of  
15 the State of Nevada, in and for the County of Clark and the Honorable  
Nancy L. Allf, District Court Judge, Case No. 84253.

- 16 7. **Pending and prior proceedings in other courts.** List the case name,  
17 number and court of all pending and prior proceedings in other courts which  
18 are related to this appeal (e.g., bankruptcy, consolidated or bifurcated  
19 proceedings) and their dates of disposition:

20 Commissioner of Insurance for the State of Nevada as Receiver of Lewis &  
21 Clark LTC Risk Retention Group, Inc. v. Robert Chur, Steve Fogg, Mark  
22 Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, Eric  
23 Stickels, Uni-Ter Underwriting Management Corp., Uni-Ter Claims  
Services Corp., and U.S. Re Corporation, Case No. A-12-672047-B. This  
matter is still open.

- 24 8. **Nature of the action.** Briefly describe the nature of the action and the result  
25 below:

26 The Commissioner of Insurance relied upon existing Nevada law when  
27 drafting her complaint, filed on December 24, 2014, against the former directors of  
28

1 an insolvent Nevada risk retention group. Subsequently, the basis of pleading  
2 director liability in Nevada changed with the Court's opinion in *Chur v. Eighth*  
3 *Judicial Dist. Court*, 136 Nev. 68, 458 P.3d 336 (2020), which substantively altered  
4 the law regarding director liability in Nevada. Within the time period allowed by  
5 the District Court for amending her pleadings, the Commissioner of Insurance  
6 moved to amend her complaint against the Director Defendants in order to comply  
7 with the change to Nevada law following Court's opinion in *Chur*. The District  
8 Court, however, denied Appellant's motion to amend, despite also having relied  
9 upon *Shoen v. SAC Holding Corp.*, 122 Nev. 621, 640, 137 P.3d 1171, 1184 (2006),  
10 in prior rulings.  
11

12  
13 The Commissioner of Insurance seeks relief from the District Court's  
14 erroneous rulings related to denying her right to amend her complaint to comply with  
15 new Nevada law. Specifically, this appeal seeks relief from the District Court's  
16 order dated August 10, 2020, denying leave to file an amended complaint, the  
17 District Court's order dated August 1, 2020, granting the Director Defendants'  
18 motion for judgment on the pleadings, and the District Court's order dated  
19 September 9, 2020, denying partial reconsideration of the motion for leave to amend  
20 to file a fourth amended complaint.  
21

22  
23 9. **Issues on appeal.** State concisely the principal issue(s) in this appeal (attach  
24 separate sheets as necessary:  
25

26  
27 This District Court's denial of Appellant's motion to amend her complaint in  
28 order to comply with new Nevada law raises important precedential, constitutional

1 and public policy issues regarding: (1) the right of parties to amend pleadings in  
2 order to comply with changes in the underlying law which occur after a complaint  
3 has been filed but before the deadline for amending pleadings as provided in the trial  
4 court's scheduling order; (2) application of this Court's recent amendments to NRC  
5 41(e) regarding additional time provided under Nevada's 5-year rule in which a case  
6 must be brought to trial; (3) whether the District Court's factual mistake as to the  
7 time remaining until the close of discovery which formed that basis for the denial of  
8 a motion to amend a complaint in order to comply with new Nevada law was in  
9 error; and (4) correction of legal errors made by district court in all orders and  
10 judgment from which appeal is taken.

11  
12  
13  
14  
15 **10. Pending proceedings in this court raising the same or similar issues.** If  
16 you are aware of any proceeding presently pending before this court which  
17 raises the same or similar issues raised in this appeal, list the case name and  
18 docket number and identify the same or similar issues raised:

19 The Commissioner of Insurance is not aware of any similar cases pending at  
20 this time.

21 **11. Constitutional issues.** If this appeal challenges the constitutionality of a  
22 statute, and the state, any state agency, or any officer or employee thereof is  
23 not a party to this appeal, have you notified the clerk of this court and the  
24 attorney general in accordance with NRAP 44 and NRS 30.130?

25  
26 This appeal does not challenge the constitutionality of a statute.

27  
28 **12. Other issues.** Does this appeal involve any of the following:

1  
2 Reversal of well-settled Nevada precedent (on an attachment, identify the  
3 case(s))  
4 An issue arising under the United States and/or Nevada Constitutions  
5 A substantial issue of first-impression  
6 An issue of public policy  
7 An issue where en banc consideration is necessary to maintain uniformity of  
8 this court's decisions  
9 A ballot question  
10 If so, explain  
11

12 This appeal involves the constitutional due process rights of a litigant to be  
13 provided the opportunity to amend a complaint in order to comply with changes in  
14 the underlying law which occur after a complaint has been filed but before the  
15 deadline for amending pleadings as provided in the trial court's scheduling order  
16 has passed. As a result, this appeal raises constitutional due process and public  
17 policy issues of first impression in Nevada.  
18

19 **13. Assignment to the Court of appeals or retention in the Supreme Court.**

20 Briefly set forth whether the matter is presumptively retained by the  
21 Supreme Court or assigned to the Court of appeals under NRAP 17, and cite  
22 the subparagraph(s) of the Rule under which the matter falls. If appellant  
23 believes that the Supreme Court should retain the case despite its  
24 presumptive assignment to the Court of Appeals, identify the specific  
25 issue(s) or circumstances(s) that warrant retaining the case, and include an  
26 explanation of their importance or significance:  
27

28 This case is presumptively retained by the Supreme Court under both NRAP  
17(a)(9) and NRAP 17(a)11. This appeal originates in business court which is a  
presumptive category of retention by the Supreme Court. In addition, this appeal  
raises as a principal issue a question of first impression involving the United States

1 Constitution or Nevada Constitution or common law which is a presumptive  
2 category of retention by the Nevada Supreme Court.

3  
4 14. **Trial.** If this action proceeded to trial, how many days did the trial last?  
5 Was it a bench or jury trial?

6 Following the District Court's erroneous dismissal of the Director  
7 Defendants, the underlying action proceeded to trial against the remaining  
8 defendants. A jury trial against Uni-Ter Underwriting Management Corp., Uni-Ter  
9 Claims Services Corp., and U.S. Re Corporation ("Corporate Defendants") began  
10 on September 20, 2021, and concluded on October 14, 2021, with a unanimous  
11 jury verdict in favor of the Commissioner of Insurance and a judgment against the  
12 Corporate Defendants in the amount of \$15,222,853.00.

13  
14 15. **Judicial disqualification.** Do you intend to file a motion to disqualify or  
15 have a justice recuse him/herself from participation in this appeal. If so,  
16 which Justice?

17 The Commissioner of Insurance does not anticipate at this time filing a  
18 motion to disqualify or have a justice recuse him/herself from participation in this  
19 appeal.

20  
21 **TIMELINESS OF NOTICE OF APPEAL**

22 16. **Date of entry of written judgment or order appealed from:**

23 Order Denying Plaintiff's Motion for Leave to File Fourth Amended  
24 Complaint dated August 10, 2020;

25 Findings of Fact, Conclusions of Law and Order Denying Plaintiff's Motion  
26 for Leave to File Fourth Amended Complaint dated August 10, 2020;

27 Order to Strike from Record dated August 13, 2020;

28 Order Granting Defendants Robert Chur, Steve Fogg, Mark Garber, Carol

1 Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Motion  
2 for Judgment on the Pleadings Pursuant to NRCp 12(c) and Judgment Thereon  
3 dated August 13, 2020 August 14, 2020;

4 Findings of Fact, Conclusions of Law and Order Denying the Motion for  
5 Reconsideration of Motion for Leave to Amend Regarding Director Defendants  
6 dated September 9, 2020;

7 Order Denying Plaintiff's Motion to Retax and Settle Costs of Director  
8 Defendants dated July 16, 2021;

9 Order Granting in Part and Denying in Part Plaintiff's Motion for  
10 Declaratory Relief dated August 17, 2021;

11 Discovery Commissioner's Report and Recommendations dated August 23,  
12 2021;

13 Order Regarding Discovery Commissioner's Report and Recommendations  
14 dated September 17, 2021;

15 Order Granting In Part And Denying In Part Plaintiff s Motion In Limine  
16 No. 2 dated September 20, 2021;

17 Order Granting In Part And Denying In Part Plaintiff s Motion For Partial  
18 Summary Judgment As To U.S. Re Corporation dated September 20, 2021;

19 Order Denying Plaintiff's Motion In Limine Number 5 To Limit The Scope  
20 Of Expert Witness Testimony Regarding Speculation Concerning The Economy  
21 dated September 24, 2021;

22 Order Denying Plaintiff's Motion In Limine Number 4: To Preclude Any  
23 Reference To Reinsurance Estimates dated September 24, 2021;

24 Order Denying Plaintiff s Motion In Limine Number 1 To Preclude Sam  
25 Hewitt From Providing Expert Testimony Regarding Insolvency Analysis dated  
26 September 24, 2021;

27 Order Denying Plaintiff's Motion In Limine Number 6 To Strike Proffered  
28 Expert Witness Alan Gray dated September 24, 2021;

1 Order Denying Plaintiff s Motion For Partial Summary Judgment Regarding  
2 Uni-Ter Defendants Breach Of Their Fiduciary Duties dated September 27, 2021;  
3 Order Granting Motion to Exclude Interest dated December 15, 2021;  
4 Order of Dismissal Without Prejudice in favor of Robert Chur, Steve Fogg,  
5 Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and  
6 Eric Stickels dated February 25, 2016;  
7 Order of Dismissal dated May 4, 2016;  
8 Judgment in favor of Robert Chur, Steve Fogg, Mark Garber, Carol Harter,  
9 Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels dated August  
10 13, 2020;  
11 Order Denying Plaintiff’s Motion to Lift Stay or Alternatively Grant  
12 Plaintiff Other Relief dated August 12, 2019;  
13 Order Denying Motion to Substitute dated February 21, 2019;  
14 Order Granting in Part Defendants Robert Chur, Steve Fogg, Mark Garber,  
15 Carol Harter, Robert Hurlbut, Barbara Limpkin, Jeff Marshall, and Eric Stickels  
16 Motion to Strike dated November 6, 2018;  
17 Order Granting in Part Defendants Robert Chur, Steve Fogg, Mark Garber,  
18 Carol Harter, Robert Hurlbut, Barbara Limpkin, Jeff Marshall, and Eric Stickels  
19 Motion to Dismiss dated February 25, 2016.  
20 If no written judgment or order was filed in the district court, explain the  
21 basis for seeking appellate review:  
22 **17. Date written notice of entry of judgment or order served:**  
23 Order Denying Plaintiff’s Motion for Leave to File Fourth Amended  
24 Complaint notice of entry served August 10, 2020;  
25 Findings of Fact, Conclusions of Law and Order Denying Plaintiff’s Motion  
26 for Leave to File Fourth Amended Complaint notice of entry served August 10,  
27 2020;  
28 Order to Strike from Record notice of entry served August 14, 2020;

1 Order Granting Defendants Robert Chur, Steve Fogg, Mark Garber, Carol  
2 Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Motion  
3 for Judgment on the Pleadings Pursuant to NRCp 12(c) and Judgment Thereon  
4 notice of entry served August 14, 2020;

5 Findings of Fact, Conclusions of Law and Order Denying the Motion for  
6 Reconsideration of Motion for Leave to Amend Regarding Director Defendants  
7 notice of entry served September 10, 2020;

8 Order Denying Plaintiff's Motion to Retax and Settle Costs of Director  
9 Defendants notice of entry served July 29, 2021;

10 Order Granting in Part and Denying in Part Plaintiff's Motion for  
11 Declaratory Relief notice of entry served August 17, 2021;

12 Discovery Commissioner's Report and Recommendations served August 23,  
13 2021;

14 Order Regarding Discovery Commissioner's Report and Recommendations  
15 notice of entry served September 20, 2021;

16 Order Granting In Part And Denying In Part Plaintiff s Motion In Limine  
17 No. 2 notice of entry served September 21, 2021;

18 Order Granting In Part And Denying In Part Plaintiff s Motion For Partial  
19 Summary Judgment As To U.S. Re Corporation notice of entry served September  
20 21, 2021;

21 Order Denying Plaintiff s Motion In Limine Number 5 To Limit The Scope  
22 Of Expert Witness Testimony Regarding Speculation Concerning The Economy  
23 dated notice of entry served September 30, 2021;

24 Order Denying Plaintiff's Motion In Limine Number 4: To Preclude Any  
25 Reference To Reinsurance Estimates notice of entry served September 30, 2021;

26 Order Denying Plaintiff s Motion In Limine Number 1 To Preclude Sam  
27 Hewitt From Providing Expert Testimony Regarding Insolvency Analysis notice of  
28 entry served September 30, 2021;



1 Order Denying Plaintiff's Motion In Limine Number 6 To Strike Proffered  
2 Expert Witness Alan Gray notice of entry served September 30, 2021;

3 Order Denying Plaintiff s Motion For Partial Summary Judgment Regarding  
4 Uni-Ter Defendants Breach Of Their Fiduciary Duties notice of entry served  
5 September 30, 2021;

6 Order Granting Motion to Exclude Interest notice of entry served December  
7 16, 2021;

8 Order of Dismissal Without Prejudice in favor of Robert Chur, Steve Fogg,  
9 Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and  
10 Eric Stickels notice of entry served February 26, 2016;

11 Order of Dismissal as to U.S. RE notice of entry served May 10, 2016;

12 Judgment in favor of Robert Chur, Steve Fogg, Mark Garber, Carol Harter,  
13 Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels notice of entry  
14 served August 14, 2020;

15 Order Denying Plaintiff's Motion to Lift Stay or Alternatively Grant  
16 Plaintiff Other Relief notice of entry served August 12, 2019;

17 Order Denying Motion to Substitute dated notice of entry served February  
18 26, 2019;

19 Order Granting in Part Defendants Robert Chur, Steve Fogg, Mark Garber,  
20 Carol Harter, Robert Hurlbut, Barbara Limpkin, Jeff Marshall, and Eric Stickels  
21 Motion to Strike notice of entry served November 7, 2018;

22 Order Granting in Part Defendants Robert Chur, Steve Fogg, Mark Garber,  
23 Carol Harter, Robert Hurlbut, Barbara Limpkin, Jeff Marshall, and Eric Stickels  
24 Motion to Dismiss notice of entry served February 26, 2016.

25  
26 (a) Was service by delivery \_\_\_\_\_ or by mail/electronic/fax X.\

27 Notice of entry of all orders regarding this appeal were served by electronic  
28 service through the District Court's e-service system on the same day the notice of

entry of orders were filed.

**18. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52 (b), or 59,**

(a) Specify the type of motion, and the date and method of service of the motion, and date of filing.

Plaintiff's Motion to Alter or Amend Judgment Pursuant to NRCP 59 filed on February 10, 2022 and served by electronic service on the same day.

Defendant US RE's Motion to Alter or Amend Judgment filed on February 10, 2022 and served by electronic service on the same day.

NRCP 50(b) Date of filing \_\_\_\_\_

NRCP 52(b) Date of filing \_\_\_\_\_

NRCP 59 Date of filing February 10, 2022

**Note: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev. \_\_\_\_, 245 P.3d 1190 (2010).**

(b) Date of entry of written order resolving tolling motion:

(c) Date of written notice of entry of order resolving motion served:

Was service by delivery \_\_\_\_\_ or by mail \_\_\_\_\_ (specify).

**19. Date notice of appeal was filed: November 18, 2022**

If more than one party has appealed from the judgment or order, list date each notice of appeal was filed and identify by name the party filing the notice of appeal:

**20. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a) or other: NRAP 4(a)**

## SUBSTANTIVE APPEALABILITY

21. **Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:**

Explain how each authority provides a basis for appeal from the judgment or order: The basis for appeals herein are pursuant to NRAP 3A(a) and (b), final judgment entered in an action, and all related final orders of the district court.

22. **List all parties involved in the action in the district court:**

(a) Parties:

Plaintiff/Respondent:

Commissioner of Insurance for the State of Nevada as Receiver of Lewis & Clark LTC Risk Retention Group, Inc.

Defendants/Appellants:

Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, Eric Stickels, Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp., and U.S. Re Corporation.

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal *e.g.*, formally dismissed, not served, or other:

Following the District Court's dismissal of the Director Defendants, the underlying action proceeded to trial against the remaining defendants. A jury trial against Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp., and U.S. Re Corporation ("Corporate Defendants") began on September 20, 2021, and concluded on October 14, 2021, with a unanimous jury verdict in favor of the Commissioner of Insurance and a judgment against the Corporate Defendants in the amount of \$15,222,853.00. Final Judgment was entered, and the Corporate

Defendants did not appeal any appealable determinations made by the District Court.

23. **Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims or third-party claims, and the date of formal disposition of each claim.**

Commissioner of Insurance:

Against the Director Defendants: (1) Gross Negligence; and (2) Deepening of the Insolvency.

Against the Corporate Defendants: (1) Breach of Fiduciary Duty; and (2) Negligent Misrepresentation.

Director Defendants: No separate claims, counterclaims, cross-claims or third-party claims.

Corporate Defendants: No separate claims, counterclaims, cross-claims or third-party claims.

24. **Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below:**

Yes   X   No           

25. **If you answered "No" to question 24, complete the following:**

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b):

Yes            No           

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the

entry of judgment:

Yes \_\_\_\_\_ No \_\_\_\_\_

26. **If you answered “No” to any part of question 25, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):**

27. **Attach file-stamped copies of the following documents:**

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

### VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Name of Appellants: Commissioner of Insurance for the State of Nevada as Receiver of Lewis & Clark LTC Risk Retention Group, Inc.

Name of counsel of record: Brenoch Wirthlin, Esq.  
Hutchison & Steffen, PLLC  
10080 W. Alta Drive, Ste. 200  
Las Vegas, Nevada 89145  
702-385-2500

Date: 12/13/2022

/s/Brenoch Wirthlin

Signature of counsel of record

Clark County, Nevada

State and county where signed

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/s/ Jon Linder  
An employee of Hutchison & Steffen, PLLC

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# **EXHIBIT “D”**

BRENOCH WIRTHLIN, ESQ. (10282)  
TRACI CASSITY, ESQ. (9648)  
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*Attorneys for Plaintiff*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

COMMISSIONER OF INSURANCE FOR  
THE STATE OF NEVADA AS RECEIVER  
OF LEWIS AND CLARK LTC RISK  
RETENTION GROUP, INC.,

Plaintiff,

vs.

IRONSHORE SPECIALTY INSURANCE  
COMPANY; CATLIN INSURANCE  
COMPANY, INC.;

Defendants.

Case No.:

**COMPLAINT**

Plaintiff, COMMISSIONER OF INSURANCE FOR THE STATE OF NEVADA AS  
RECEIVER OF LEWIS AND CLARK LTC RISK RETENTION GROUP, INC., (“Plaintiff”  
or “Commissioner”), files this Complaint against Defendants, IRONSHORE SPECIALTY  
INSURANCE COMPANY (“Ironshore”), and CATLIN INSURANCE COMPANY, INC.  
 (“Catlin”, and collectively with Ironshore “Defendants” or “Insurance Providers”), alleging the  
following:

**INTRODUCTION**

1. This diversity action for declaratory judgment and injunctive relief arises out  
of the Commissioner’s claim to be owed the full amounts remaining under insurance



1 policies (“Policy Limits”) sold by Defendants Ironshore and Catlin to U.S. Re Corporation.

2 2. U.S. Re Corporation, along with their wholly-owned subsidiaries, Uni-Ter  
3 Underwriting Management Corp and Uni-Ter Claims Services Corp (collectively “Judgment  
4 Debtors”), ran a nationwide insurance scheme out of New York and Atlanta that involved  
5 setting up risk retention groups (“RRGs”), and then making themselves the managers and  
6 reinsurance brokers for the RRGs so they could control and systematically drain money  
7 from them until they collapsed.

8 3. Lewis and Clark LTC Risk Retention Group, Inc. (“L&C”) was a Nevada  
9 insurer that was just one of the RRGs set up and run into the ground by the Judgment  
10 Debtors. After L&C become insolvent, the Commissioner took over L&C in 2012 pursuant  
11 to Nevada law.

12 4. The Commissioner filed an action on behalf of L&C on December 23, 2014, in  
13 the Eighth Judicial District Court, Clark County, Nevada (Case No. A-14-7111535-C)  
14 naming the Judgment Debtors as Defendants. The case went to trial on September 20, 2021,  
15 and on October 14, 2021, the matter was submitted to the Jury, which rendered a unanimous  
16 Verdict in favor of the Commissioner. The district court subsequently entered Judgment  
17 against the Judgment Debtors totaling \$20,874,860.89 in damages (“Judgment”).

18 5. Despite their promise to pay the available policy limits for covered claims that  
19 the Judgment Debtors become legally obligated to pay, Defendants Ironshore and Catlin  
20 refuse to stand by the insurance policies that they issued and to honor their contractual  
21 undertakings.

## 22 **PARTIES**

### 23 **A. PLAINTIFF**

24 6. Plaintiff COMMISSIONER OF INSURANCE FOR THE STATE OF  
25 NEVADA AS RECEIVER OF LEWIS AND CLARK LTC RISK RETENTION GROUP,  
26 INC., is an appointed state executive position in the Nevada state government that oversees  
27 the Division of Insurance.

28 ///

•1                   **B. DEFENDANTS**

2                   7. Defendant IRONSHORE SPECIALTY INSURANCE COMPANY is an  
3 Arizona corporation with its principal place of business in Boston, Massachusetts.

4                   8. Defendant CATLIN INSURANCE COMPANY INC is a Texas corporation  
5 with its principal place of business in Stamford, Connecticut.

6                                   **JURISDICTION AND VENUE**

7                   9. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332, as the  
8 parties are completely diverse in citizenship and the amount in controversy exceeds \$75,000,  
9 exclusive of interests and costs.

10                  10. Venue is proper in this District under 28 U.S.C. § 1391 because the  
11 Commissioner's place of business is in this District and a substantial portion of the events  
12 and omissions giving rise to the claims and losses occurred within the District.

13                                   **GENERAL ALLEGATIONS**

14                  11. Judgment was entered against the Judgment Debtors in Dept. 27 of the Eighth  
15 Judicial District Court on December 30, 2021, in the amount of \$19,059,997.28. On  
16 December 2, 2022, the Court further awarded Plaintiff \$1,814,863.61 in attorneys' fees and  
17 costs, for a total judgment in favor of Plaintiff and against the Judgment Debtors jointly and  
18 severally in the amount of \$20,874,860.89.

19                  12. The Judgment Debtors had multiple insurance policies that together should have  
20 covered more than half the amount of the Judgment. Catlin issued a \$5,000,000 primary  
21 layer of insurance (Policy Number IAP-97329-0514) to U.S. Re ("Catlin Policy"), and  
22 Ironshore issued a \$5,000,000 excess layer of insurance (Policy Number 000703604) to U.S.  
23 Re ("Ironshore Policy").

24                  13. On information and belief, the Judgment Debtors falsely represented to the  
25 Commissioner that the Catlin Policy and the Ironshore Policy are the only two policies  
26 providing coverage that had not been exhausted.

27                  14. Based upon this representation, Plaintiff executed a Settlement Agreement and  
28 Mutual Release with the Judgment Debtors on or about July 13, 2022 ("Agreement").

15. The Agreement provided that Ironshore and Catlin will pay to Plaintiff the sum of \$5,200,000 (“Settlement Amount”) within 30 days after receipt of a fully-executed copy of the Agreement, a W-9 from Plaintiff identifying the name and address of the payee, and service of notice of entry of order approving the Agreement by the Eighth Judicial District Court (Case No. A-12-672047-B).

16. The Agreement also included a strict 30-day provision that was specifically negotiated by counsel for the parties that made the Agreement of no force and effect and to be null and void should the settlement funds (“Settlement Funds”) not be received within 30 days.

17. The Agreement contains no provision regarding dismissal of US Re or any other defendant.

18. Paragraph B(1) of the Agreement states as follows:

**Within 30 days after receipt of a fully-executed copy of this Agreement, a W-9 from Plaintiff identifying the name and address of the payee, and service of notice of entry of an order approving this Agreement** by the Eighth Judicial District Court in Clark County, Nevada, in Case no.: A-12-672047-B, STATE OF NEVADA, EX REL. COMMISSIONER OF INSURANCE, IN HIS OFFICIAL CAPACITY AS STATUTORY RECEIVER FOR DELINQUENT DOMESTIC INSURER vs. LEWIS & CLARK LTC RISK RETENTION GROUP, INC. (the “Receivership”), the insurance carriers for the Corporate Defendants will pay Plaintiff the sum of \$5,200,000 (US) by company check(s) (the “Settlement Funds”) as consideration. **However, all Parties acknowledge and agree that this Agreement is of no force and effect until said Settlement Funds are actually received by the Plaintiff, and that this Agreement shall be null and void in the event such Settlement Funds are not received by the Plaintiff within the 30-day time period referenced herein.**

19. This strict 30-day provision was specifically negotiated between counsel for the parties.

20. On July 20, 2022, undersigned counsel forwarded a copy of the signed Agreement, a W-9, and an notice of entry of order (“NOE”) as required by paragraph B(1) of the Agreement.

21. Thus, the 30 day period to receive the Settlement Funds (as defined in the

1 Agreement) ended on August 19, 2022.

2 22. On July 22, 2022, counsel for US Re responded stating that he had received  
3 these items and had “forwarded them to the client and carriers.”

4 23. In addition, Plaintiff’s counsel mailed the items to counsel for US Re.

5 24. On August 19, 2022, Plaintiff’s representative received a check in the amount of  
6 approximately \$400,000 from one insurer, but did not receive the remaining amount of the  
7 Settlement Funds.

8 25. On August 24, 2022, five (5) days after the expiration of the strict 30-day time  
9 period for payment, Plaintiff received a check from Ironshore for approximately \$4.79M  
10 (“Ironshore Check”).

11 26. The Ironshore Check did not contain any notation that it was in full satisfaction  
12 of the debts owed to Plaintiff, or any other notation.

13 27. Accordingly, on information and belief, Plaintiff did not waive its right to  
14 collect the remaining amount of the Judgment from the Defendants.

15 28. On information and belief, Defendants have additional policies other than what  
16 has been paid to Plaintiff which are required to be paid to Plaintiff to satisfy the outstanding  
17 unpaid amounts of the Judgment.

18 **FIRST CAUSE OF ACTION**

19 **(By Plaintiffs against all Defendants)**

20  
21 29. Plaintiff incorporates by this reference each of the allegations set forth in each  
22 and every paragraph set forth in this Complaint as if fully set forth herein.

23 30. This Court has the power and authority to declare the rights, status and interests  
24 of the parties.

25 31. A justifiable controversy exists between Plaintiff and Defendants regarding their  
26 respective rights and obligations such that Plaintiff asserts a claim of a legally protected  
27 right.

28 32. This issue is ripe for judicial determination.

33. Plaintiff is therefore entitled to and requests that this Court issue a declaratory judgment finding, without limitation, that:

- i. Defendants owe Plaintiff the remaining unpaid amounts of the Judgment pursuant to the applicable insurance contracts.
- ii. Plaintiffs are entitled to the damages sought, including without limitation herein;
- iii. Such other and further relief as deemed appropriate.

34. Plaintiffs have been forced to retain the law firm of Hutchison & Steffen to prosecute this action and is entitled to an award of reasonable attorneys' fees and costs of suit incurred herein. Wherefore, Plaintiffs pray for relief including without limitation as set forth herein.

WHEREFORE, Plaintiffs pray for relief and judgment as follows:

- A. For damages, including without limitation general, compensatory and punitive damages, in an amount in excess of \$75,000, the exact amount to be proven at trial;
- B. For declaratory relief, including without limitation as set forth herein;
- C. For prejudgment interest from the date said sums first became due at the highest rate allowed under applicable law;
- D. For an award of costs and reasonable attorney fees pursuant to applicable law, with interest at the highest rate allowed by law; and
- E. For such other and further relief as the Court deems just and proper.

DATED this 10<sup>th</sup> day of April, 2023.

/s/Brenoch Wirthlin

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*Attorneys for Plaintiff*

1 **CSERV**

2  
3 **DISTRICT COURT**  
4 **CLARK COUNTY, NEVADA**

5  
6 Commissioner of Insurance for  
7 the State of Nevada as Receiver  
8 of Lewis and Clark, Plaintiff(s)

CASE NO: A-14-711535-C

DEPT. NO. Department 27

9 vs.

10 Robert Chur, 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 Shortening Time was served via the court's electronic eFile  
15 system to all recipients registered for e-Service on the above entitled case as listed below:

16 Service Date: 5/19/2023

17 Adrina Harris .

aharris@fclaw.com

18 Angela T. Nakamura Ochoa .

aochoa@lipsonneilson.com

19 Ashley Scott-Johnson .

ascott-johnson@lipsonneilson.com

20 Brenoch Wirthlin .

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21 CaraMia Gerard .

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22 George F. Ogilvie III .

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