

LIPSON NEILSON P.C.  
JOSEPH P. GARIN, ESQ.  
Nevada Bar No. 6653  
ANGELA T. NAKAMURA OCHOA, ESQ.  
Nevada Bar No. 10164  
9900 Covington Cross Drive, Suite 120  
Las Vegas, Nevada 89144  
(702) 382-1500 - Telephone  
(702) 382-1512 - Facsimile  
[jgarin@lipsonneilson.com](mailto:jgarin@lipsonneilson.com)  
[aochoa@lipsonneilson.com](mailto:aochoa@lipsonneilson.com)

*Attorneys for Defendants/Third-Party  
Plaintiffs Robert Chur, Steve Fogg,  
Mark Garber, Carol Harter,  
Robert Hurlbut, Barbara Lumpkin,  
Jeff Marshall, and Eric Stickels*

**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.

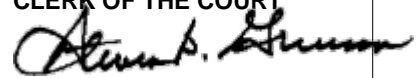
CASE NO.: A-14-711535-C

DEPT. NO.: 27

**ROBERT CHUR, STEVE FOGG, MARK  
GARBER, CAROL HARTER, ROBERT  
HURLBUT, BARBARA LUMPKIN, JEFF  
MARSHALL, AND ERIC STICKELS'  
NOTICE OF APPEAL**

**NOTICE OF APPEAL**

Notice is hereby given that Respondents Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall and Eric Stickels, by and through their counsel at Lipson Neilson P.C., hereby file their notice of appeal, appealing the Order Denying Director Defendants' Motion for Attorneys Fees and costs entered on July 21, 2021 and the Order Denying Plaintiff's Motion to Retax and Settle



Costs of Director Defendants, entered on July 16, 2022.

Dated this 21<sup>st</sup> day of November, 2022.

LIPSON NEILSON P.C.

/s/ Angela Ochoa

By: \_\_\_\_\_

JOSEPH P. GARIN, ESQ.  
Nevada Bar No. 6653  
ANGELA NAKAMURA OCHOA, ESQ.  
Nevada Bar No. 10164  
9900 Covington Cross Drive, Suite 120  
Las Vegas, Nevada 89144  
Phone: (702) 382-1500  
Fax: (702) 382-1512  
[jgarin@lipsonneilson.com](mailto:jgarin@lipsonneilson.com)  
[aochoa@lipsonneilson.com](mailto:aochoa@lipsonneilson.com)

*Attorneys for Defendants/Respondents  
Robert Chur, Steve Fogg, Mark Garber, Carol  
Harter, Robert Hurlbut, Barbara Lumpkin, Jeff  
Marshall and Eric Stickels*

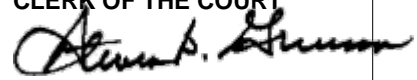
## **CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that on the 21<sup>st</sup> day of November, 2022, I electronically transmitted the foregoing **ROBERT CHUR, STEVE FOGG, MARK GARBER, CAROL HARTER, ROBERT HURLBUT, BARBARA LUMPKIN, JEFF MARSHALL, AND ERIC STICKELS' NOTICE OF APPEAL** to the Clerk's Office using the Odyssey E-File & Serve System for filing and transmittal to the following Odyssey E-File & Serve registrants:

### **E-Service Master List For Case**

<b>Attorney General's Office</b>	
<b>Contact</b>	<b>Email</b>
Joanna Grigoriev	<a href="mailto:jgrigoriev@ag.nv.gov">jgrigoriev@ag.nv.gov</a>
Nevada Attorney General	<a href="mailto:wiznetfilings@ag.nv.gov">wiznetfilings@ag.nv.gov</a>
<b>Nelson Mullins</b>	
<b>Contact</b>	<b>Email</b>
Jon M. Wilson	<a href="mailto:jon.wilson@nelsonmullins.com">jon.wilson@nelsonmullins.com</a>
Kimberly Freedman	<a href="mailto:kimberly.freedman@nelsonmullins.com">kimberly.freedman@nelsonmullins.com</a>
<b>Hutchison &amp; Steffen</b>	
<b>Contact</b>	<b>Email</b>
Christian M. Orme	<a href="mailto:corme@hutchlegal.com">corme@hutchlegal.com</a>
Jon Linder	<a href="mailto:jlinder@hutchlegal.com">jlinder@hutchlegal.com</a>
Brenoch Wirthlin	<a href="mailto:bwirthlin@hutchlegal.com">bwirthlin@hutchlegal.com</a>
<b>McDonald Carano Wilson LLP</b>	
<b>Contact</b>	<b>Email</b>
CaraMia Gerard	<a href="mailto:cgerard@mcdonaldcarano.com">cgerard@mcdonaldcarano.com</a>
George F. Ogilvie III	<a href="mailto:gogilvie@mcdonaldcarano.com">gogilvie@mcdonaldcarano.com</a>
James W. Bradshaw	<a href="mailto:jbradshaw@mcdonaldcarano.com">jbradshaw@mcdonaldcarano.com</a>
Kathy Barrett	<a href="mailto:kbarrett@mcdonaldcarano.com">kbarrett@mcdonaldcarano.com</a>
Nancy Hoy	<a href="mailto:nhoy@mcdonaldcarano.com">nhoy@mcdonaldcarano.com</a>
Rory Kay	<a href="mailto:rkay@mcdonaldcarano.com">rkay@mcdonaldcarano.com</a>
<b>Nevada Attorney General</b>	
<b>Contact</b>	<b>Email</b>
Marilyn Millam	<a href="mailto:mmillam@ag.nv.gov">mmillam@ag.nv.gov</a>
<b>Nevada Division of Insurance</b>	
<b>Contact</b>	<b>Email</b>
Terri Verbrugghen	<a href="mailto:verbrug@doi.nv.gov">verbrug@doi.nv.gov</a>

/s/ Juan Cerezo  
An employee of LIPSON NEILSON P.C.



LIPSON NEILSON P.C.  
JOSEPH P. GARIN, ESQ.  
Nevada Bar No. 6653  
ANGELA T. NAKAMURA OCHOA, ESQ.  
Nevada Bar No. 10164  
9900 Covington Cross Drive, Suite 120  
Las Vegas, Nevada 89144  
(702) 382-1500 - Telephone  
(702) 382-1512 - Facsimile  
[jgarin@lipsonneilson.com](mailto:jgarin@lipsonneilson.com)  
[aocchoa@lipsonneilson.com](mailto:aocchoa@lipsonneilson.com)

*Attorneys for Defendants/Third-Party  
Plaintiffs Robert Chur, Steve Fogg,  
Mark Garber, Carol Harter,  
Robert Hurlbut, Barbara Lumpkin,  
Jeff Marshall, and Eric Stickels*

**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.: 27

**ROBERT CHUR, STEVE FOGG,  
MARK GARBER, CAROL HARTER,  
ROBERT HURLBUT, BARBARA  
LUMPKIN, JEFF MARSHALL, AND  
ERIC STICKELS' CASE APPEAL  
STATEMENT**

**CASE APPEAL STATEMENT**

**1. Name of appellant filing this case appeal statement:**

Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara  
Lumpkin, Jeff Marshall and Eric Stickels

**2. Identify the judge issuing the decision, judgment, or order appealed from:**

Honorable Nancy Allf

**3. Identify each appellant and the name and address of counsel for each appellant:**

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

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

**4. Identify each respondent and the name, and address of appellate counsel, if known, for each respondent:**

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

Counsel: Brenoch Wirthlin  
Hutchison & Steffen, PLLC  
10080 W. Alta Dr., Suite 200  
Las Vegas, NV 89145

**5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada:**

Both counsel for Appellants and Respondent are licensed in the State of Nevada.

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

Retained.

**7. Indicate whether respondent was represented by appointed or retained counsel in the district court.:**

Retained.

**8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district order granting such leave:**

Leave to file in *forma pauperis* was not requested.

**9. Indicate the date and proceedings commenced in the district court:**

December 23, 2014.

///

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

The Commissioner of Insurance was appointed as receiver of the defunct risk retention group called Lewis & Clark and initiated this instant matter in 2014, filing suit against the Appellants who served on the board of directors and other defendants who managed Lewis & Clark.

In 2020, the Nevada Supreme Court issued *Chur v. the Eighth Jud. Dist Ct.*, 136 Nev. Adv. Op 7, holding that Plaintiff failed to state a claim against the Board of Directors and leaving to the District Court's discretion whether to grant Plaintiff leave to file a Fourth Amended Complaint.

After the District Court denied Plaintiff's Motion for Leave to file a Fourth Amended Complaint, Plaintiff filed a Writ Petition that this Court denied in 2021.

The Director Defendants filed a Motion for Attorneys Fees and Costs based on an unbeaten offer of judgment. The District Court denied the motion, finding that the fees and costs were reasonable but denying the motion based on statutory immunity. The District Court also denied the Plaintiff's Motion to Retax Costs as moot.

This is an appeal of the District Court's Order denying the Director Defendants' Motion for Attorneys Fees and Costs and the related order, denying Plaintiff's Motion to Retax Costs based on the District Court's holding that statutory immunity prevented Director Defendants from an award of fees and costs.

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

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

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

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

*Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall and Eric Stickels vs. Commissioner of Insurance for the*

*Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark LTC Risk Retention Group, Inc. v. Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall and Eric Stickels, Case No. 85668*

This case does not involve child custody or visitation.

Director Defendants are always willing to discuss settlement.

Dated this 21<sup>st</sup> day of November, 2022.

*/s/ Angela Ochoa*

By: \_\_\_\_\_

JOSEPH P. GARIN, ESQ.  
Nevada Bar No. 6653  
ANGELA NAKAMURA OCHOA, ESQ.  
Nevada Bar No. 10164  
9900 Covington Cross Drive, Suite 120  
Las Vegas, Nevada 89144  
Phone: (702) 382-1500  
Fax: (702) 382-1512  
[jgarin@lipsonneilson.com](mailto:jgarin@lipsonneilson.com)  
[aocchoa@lipsonneilson.com](mailto:aocchoa@lipsonneilson.com)

*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 NRCP 5(b), I certify that on the 21<sup>st</sup> day of November, 2022, I electronically transmitted the foregoing **ROBERT CHUR, STEVE FOGG, MARK GARBER, CAROL HARTER, ROBERT HURLBUT, BARBARA LUMPKIN, JEFF MARSHALL, AND ERIC STICKELS' CASE APPEAL STATEMENT** to the Clerk's Office using the Odyssey E-File & Serve System for filing and transmittal to the following Odyssey E-File & Serve registrants:

### **E-Service Master List For Case**

<b>Attorney General's Office</b>	
<b>Contact</b>	<b>Email</b>
Joanna Grigoriev	<a href="mailto:jgrigoriev@ag.nv.gov">jgrigoriev@ag.nv.gov</a>
Nevada Attorney General	<a href="mailto:wiznetfilings@ag.nv.gov">wiznetfilings@ag.nv.gov</a>
<b>Nelson Mullins</b>	
<b>Contact</b>	<b>Email</b>
Jon M. Wilson	<a href="mailto:jon.wilson@nelsonmullins.com">jon.wilson@nelsonmullins.com</a>
Kimberly Freedman	<a href="mailto:kimberly.freedman@nelsonmullins.com">kimberly.freedman@nelsonmullins.com</a>
<b>Hutchison &amp; Steffen</b>	
<b>Contact</b>	<b>Email</b>
Christian M. Orme	<a href="mailto:corme@hutchlegal.com">corme@hutchlegal.com</a>
Jon Linder	<a href="mailto:jlinder@hutchlegal.com">jlinder@hutchlegal.com</a>
Brenoch Wirthlin	<a href="mailto:bwirthlin@hutchlegal.com">bwirthlin@hutchlegal.com</a>
<b>McDonald Carano Wilson LLP</b>	
<b>Contact</b>	<b>Email</b>
CaraMia Gerard	<a href="mailto:cgerard@mcdonaldcarano.com">cgerard@mcdonaldcarano.com</a>
George F. Ogilvie III	<a href="mailto:gogilvie@mcdonaldcarano.com">gogilvie@mcdonaldcarano.com</a>
James W. Bradshaw	<a href="mailto:jbradshaw@mcdonaldcarano.com">jbradshaw@mcdonaldcarano.com</a>
Kathy Barrett	<a href="mailto:kbarrett@mcdonaldcarano.com">kbarrett@mcdonaldcarano.com</a>
Nancy Hoy	<a href="mailto:nhoy@mcdonaldcarano.com">nhoy@mcdonaldcarano.com</a>
Rory Kay	<a href="mailto:rkay@mcdonaldcarano.com">rkay@mcdonaldcarano.com</a>
<b>Nevada Attorney General</b>	
<b>Contact</b>	<b>Email</b>
Marilyn Millam	<a href="mailto:mmillam@ag.nv.gov">mmillam@ag.nv.gov</a>
<b>Nevada Division of Insurance</b>	
<b>Contact</b>	<b>Email</b>
Terri Verbrugghen	<a href="mailto:verbrug@doi.nv.gov">verbrug@doi.nv.gov</a>

/s/ Juan Cerezo  
An employee of LIPSON NEILSON P.C.



**CASE SUMMARY****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)**

§  
§  
§  
§  
§  
§  
§

Location: **Department 27**  
Judicial Officer: **Allf, Nancy**  
Filed on: **12/23/2014**  
Cross-Reference Case **A711535**  
Number:  
Supreme Court No.: **84253**  
**84311**  
**85668**

**CASE INFORMATION****Statistical Closures**

02/03/2022 Verdict Reached  
12/30/2021 Verdict Reached

Case Type: **Negligence - Other Negligence**

Case  
Status: **02/03/2022 Closed**




**DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number A-14-711535-C  
Court Department 27  
Date Assigned 12/23/2014  
Judicial Officer Allf, Nancy

**PARTY INFORMATION**












		<i>Lead Attorneys</i>
<b>Plaintiff</b>	<b>Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark</b>	<b>Hutchings, Mark H.</b> <i>Retained</i> 702-660-7700(W)
<b>Defendant</b>	<b>Chur, Robert</b>	<b>Garin, Joseph P</b> <i>Retained</i> 702-382-1500(W)
	<b>Fogg, Steve</b>	<b>Garin, Joseph P</b> <i>Retained</i> 702-382-1500(W)
	<b>Garber, Mark</b>	<b>Garin, Joseph P</b> <i>Retained</i> 702-382-1500(W)
	<b>Harter, Carol</b>	<b>Garin, Joseph P</b> <i>Retained</i> 702-382-1500(W)
	<b>Hurlbut, Robert</b>	<b>Garin, Joseph P</b> <i>Retained</i> 702-382-1500(W)
	<b>Lumpkin, Barbara</b>	<b>Garin, Joseph P</b> <i>Retained</i> 702-382-1500(W)
	<b>Marshall, Jeff</b>	<b>Garin, Joseph P</b> <i>Retained</i> 702-382-1500(W)
	<b>Stickels, Eric</b>	<b>Garin, Joseph P</b> <i>Retained</i> 702-382-1500(W)

**CASE SUMMARY****CASE NO. A-14-711535-C****U S Re Corporation****Ogilvie, George F., III**  
*Retained*  
7028734100(W)**Uni-Ter Claims Services Corp****Ogilvie, George F., III**  
*Retained*  
7028734100(W)**Uni-Ter Underwriting Management Corp****Ogilvie, George F., III**  
*Retained*  
7028734100(W)**Third Party  
Defendant****Dalton, Donna****Elsass, Sanford****Third Party  
Plaintiff****Chur, Robert****Garin, Joseph P**  
*Retained*  
702-382-1500(W)**Fogg, Steve****Garin, Joseph P**  
*Retained*  
702-382-1500(W)**Garber, Mark****Garin, Joseph P**  
*Retained*  
702-382-1500(W)**Harter, Carol****Garin, Joseph P**  
*Retained*  
702-382-1500(W)**Hurlbut, Robert****Garin, Joseph P**  
*Retained*  
702-382-1500(W)**Lumpkin, Barbara****Garin, Joseph P**  
*Retained*  
702-382-1500(W)**Marshall, Jeff****Garin, Joseph P**  
*Retained*  
702-382-1500(W)**Stickels, Eric****Garin, Joseph P**  
*Retained*  
702-382-1500(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
	<b><u>EVENTS</u></b>	
12/23/2014	 Complaint Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[1] Complaint</i>	
12/23/2014	 Initial Appearance Fee Disclosure Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[2] Initial Appearance Fee Disclosure (NRS Chapter 19)</i>	
12/23/2014	Case Opened	
03/31/2015	 Summons	












**CASE SUMMARY**

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

	Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[3] Summons - Steve Fogg</i>
03/31/2015	 Summons Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[4] Summons - Robert Chur</i>
03/31/2015	 Summons Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[5] Summons - Uni-Ter Underwriting Management Corp</i>
03/31/2015	 Summons Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[6] Summons - Uni-Ter Claims Services Corp</i>
04/10/2015	 Affidavit of Service Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[7] Affidavit of Service - Steve Fogg</i>
04/10/2015	 Affidavit of Service Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[8] Affidavit of Service - Uni-Ter Underwriting Management Corp</i>
04/10/2015	 Affidavit of Service Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[9] Affidavit of Service - Robert Hurlbut</i>
04/10/2015	 Affidavit of Service Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[10] Affidavit of Service - U.S. RE Corporation</i>
04/10/2015	 Affidavit of Service Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[11] Affidavit of Service - Babara Lumpkin</i>
04/10/2015	 Affidavit of Service Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[12] Affidavit of Service - Uni-Ter Claims Services Corp</i>
04/10/2015	 Affidavit of Service Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[13] Affidavit of Service - Robert Chur</i>
04/14/2015	 Acceptance of Service Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis













# CASE SUMMARY

CASE NO. A-14-711535-C

	and Clark <i>[15] Acceptance of Service</i>
04/14/2015	 Affidavit of Service Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[14] Affidavit of Service (Mark Garber)</i>
04/20/2015	 Three Day Notice of Intent to Default Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[16] Three Day Notice of Intent to Take Default (Uni-Ter Underwriting Management Corp.)</i>
04/20/2015	 Three Day Notice of Intent to Default Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[17] Three Day Notice of Intent to Take Default (Uni-Ter Claims Services Corp.)</i>
04/20/2015	 Three Day Notice of Intent to Default Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[18] Three Day Notice of Intent to Take Default (U.S. RE Corporation)</i>
06/29/2015	 Third Party Complaint TPP: Third Party Plaintiff Chur, Robert <i>[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</i>
06/30/2015	 Initial Appearance Fee Disclosure Filed By: Third Party Plaintiff Chur, Robert <i>[20] Initial Appearance Fee Disclosure</i>
07/21/2015	 Affidavit Filed By: Third Party Plaintiff Chur, Robert <i>[21] Affidavit of Due Diligence</i>
08/04/2015	 Affidavit of Due Diligence Filed By: Third Party Plaintiff Chur, Robert <i>[22] Affidavit of Due Diligence</i>
08/21/2015	 Affidavit of Due Diligence Filed By: Third Party Plaintiff Chur, Robert <i>[23] Affidavit of Due Diligence</i>
12/11/2015	 Motion to Dismiss Filed By: Third Party Plaintiff Chur, Robert <i>[24] Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Motion to Dismiss</i>
01/15/2016	 Opposition Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[25] Opposition to Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Motion to Dismiss</i>

# CASE SUMMARY

CASE NO. A-14-711535-C

01/20/2016	 Reply in Support Filed By: Third Party Plaintiff Chur, Robert <i>[26] Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robery Hurlbut, Barbara Lumpkin, Jeff Marshall, and Erick Stickels' Reply in Support of their Motion to Dismiss</i>
01/22/2016	 Motion to Dismiss Filed By: Defendant Uni-Ter Underwriting Management Corp <i>[28] Defendants Uni-Ter Underwriting Management Corp. and Uni-Ter Claims Services Corp.'s Motion to Dismiss</i>
01/22/2016	 Motion to Dismiss Filed By: Defendant U S Re Corporation <i>[30] Defendant U.S. RE Corporation's Motion to Dismiss</i>
01/22/2016	 Disclosure Statement Party: Third Party Plaintiff Chur, Robert <i>[27] Uni-Ter Underwriting Management Corp. and Uni-Ter Claims Services Corp.'s Disclosure Statement Pursuant to NRCP 7.1</i>
01/22/2016	 Disclosure Statement Party: Defendant U S Re Corporation <i>[31] U.S. RE Corporation's Disclosure Statement Pursuant to NRCP 7.1</i>
01/25/2016	 Initial Appearance Fee Disclosure Filed By: Defendant Uni-Ter Underwriting Management Corp <i>[29] Initial Appearance Fee Disclosure</i>
01/25/2016	 Initial Appearance Fee Disclosure Filed By: Defendant U S Re Corporation <i>[32] Initial Appearance Fee Disclosure</i>
01/26/2016	 Motion to Associate Counsel Filed By: Defendant U S Re Corporation <i>[33] Motion to Associate Counsel</i>
01/29/2016	 Notice of Non Opposition Filed By: Third Party Plaintiff Chur, Robert <i>[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</i>
02/08/2016	 Non Opposition Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[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</i>
02/11/2016	 Opposition Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[36] Opposition to Defendant U.S. RE Corporation's Motion to Dismiss</i>
02/11/2016	 Opposition Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis

# CASE SUMMARY

CASE NO. A-14-711535-C

and Clark

*[37] Opposition to Defendants Uni-Ter Underwriting Management Corp. and Uni-Ter Claims Services Corp.'s Motion to Dismiss*

02/22/2016



Order Admitting to Practice

Filed By: Defendant U S Re Corporation

*[38] Order Admitting to Practice*

02/22/2016



Reply in Support

Filed By: Defendant Uni-Ter Underwriting Management Corp

*[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

Filed By: Defendant U S Re Corporation

*[40] Defendant U.S. RE Corporation's Reply in Support of Motion to Dismiss*

02/23/2016



Notice of Entry of Order

Filed By: Defendant U S Re Corporation

*[41] Notice of Entry of Order Admitting to Practice*

02/25/2016



Order

Filed By: Third Party Plaintiff Chur, Robert

*[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 Stickerls' Motion to Dimiss*

02/26/2016



Notice of Entry of Order

Filed By: Third Party Plaintiff Chur, Robert

*[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*

03/24/2016



Recorders Transcript of Hearing

*[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



Recorders Transcript of Hearing

*[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



Amended Complaint

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[46] First Amended Complaint*

04/18/2016



Motion to Dismiss

Filed By: Third Party Plaintiff Chur, Robert

*[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



Decision and Order

*[48] Decision and Order*

# CASE SUMMARY

CASE NO. A-14-711535-C

05/05/2016



## Opposition

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[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



## Amended Certificate of Service

Party: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[50] Amended Certificate of Service*

05/10/2016



## Notice of Entry of Decision and Order

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[51] Notice of Entry of Decision and Order*

05/19/2016



## Reply

Filed by: Third Party Plaintiff Chur, Robert

*[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



## Amended Certificate of Service

Party: Third Party Plaintiff Chur, Robert

*[53] Amended Certificate of Service*

05/25/2016



## Stipulation and Order

Filed by: Third Party Plaintiff Chur, Robert

*[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



## Consent to Service By Electronic Means

Filed By: Defendant Uni-Ter Underwriting Management Corp

*[56] Consent to Service by Electronic Means*

05/26/2016



## Notice of Entry of Stipulation and Order

Filed By: Third Party Plaintiff Chur, Robert

*[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*

06/13/2016



## Amended Complaint

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[57] Second Amended Complaint*

07/18/2016



## Supplemental

Filed by: Third Party Plaintiff Chur, Robert

*[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



## Notice of Hearing

**CASE SUMMARY**

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

Filed By: Third Party Plaintiff Chur, Robert  
*[59] Notice of Motion*

08/05/2016



Amended Complaint

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  
*[60] Third Amended Complaint*

08/11/2016



Stipulation and Order

Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  
*[61] Stipulation and Order to File Third Amended Complaint to Correct Exhibit Numbers*

08/12/2016



Motion to Dismiss

Filed By: Defendant Uni-Ter Underwriting Management Corp  
*[65] Defendant Uni-Ter Underwriting Management Corp.'s Motion to Dismiss Negligent Misrepresentation Claim of Third Party Complaint*

08/12/2016



Answer to Amended Complaint

Filed By: Defendant Uni-Ter Underwriting Management Corp  
*[63] Defendant Uni-Ter Claims Services Corp.'s Answer to Third Amended Complaint*

08/12/2016



Answer to Amended Complaint

Filed By: Defendant Uni-Ter Underwriting Management Corp  
*[64] Defendant U.S. RE Corporation's Answer to Third Amended Complaint*

08/12/2016



Notice of Entry of Stipulation and Order

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  
*[62] Notice of Entry of Stipulation and Order to file Third Amended Complaint to Correct Exhibit Numbers*

08/17/2016



Demand for Jury Trial

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  
*[66] Demand for Jury Trial*

08/24/2016



Stipulation and Order

Filed by: Third Party Plaintiff Fogg, Steve  
*[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



Notice of Entry of Order

Filed By: Third Party Plaintiff Garber, Mark  
*[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



Opposition

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  
*[69] Opposition to Defendant Uni-Ter Underwriting Management Corp.'s Motion to Dismiss Negligent Misrepresentation Claim of Third Amended Complaint*

09/02/2016







Supplement















# CASE SUMMARY

CASE NO. A-14-711535-C

	<p>Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  <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></p>
09/08/2016	<p> Supplement            Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  <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></p>
09/09/2016	<p> Reply in Support            Filed By: Defendant Uni-Ter Underwriting Management Corp  <i>[72] Defendant Uni-Ter Underwriting Management Corp.'s Reply in Support of Motion to Dismiss Negligent Claim of Third Amended Complaint</i></p>
09/24/2016	<p> Request            Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  <i>[73] Request for Exemption from Arbitration</i></p>
10/07/2016	<p> Order Denying Motion            Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  <i>[74] Order Denying Defendant Uni-Ter Underwriting Management Corp.'s Motion to Dismiss Negligent Misrepresentation Claim of Third Amended Complaint</i></p>
10/10/2016	<p> Notice of Entry of Order            Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  <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></p>
10/10/2016	<p> Order Denying Motion            Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  <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></p>
10/11/2016	<p> Notice of Entry of Order            Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  <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></p>
10/17/2016	<p> Answer            Filed By: Defendant Uni-Ter Underwriting Management Corp  <i>[79] Defendant Uni-Ter Underwriting Management Corp.'s Answer to Plaintiff's Third Amended Complaint</i></p>
10/18/2016	<p> Commissioners Decision on Request for Exemption - Granted  <i>[78] Commissioner's Decision on Request for Exemption - Granted</i></p>
10/21/2016	

# CASE SUMMARY

CASE NO. A-14-711535-C

	 Answer to Amended Complaint Filed By: Third Party Plaintiff Chur, Robert <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	 Arbitration File <i>[81] Arbitration File</i>
12/28/2016	 Joint Case Conference Report Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[82] Joint Case Conference Report</i>
02/10/2017	 Notice to Appear for Discovery Conference <i>[83] Notice to Appear for Discovery Conference</i>
03/17/2017	 Scheduling Order <i>[84] Scheduling Order</i>
04/03/2017	 Notice of Change of Firm Name Filed By: Defendant Uni-Ter Claims Services Corp <i>[85] Notice of Firm Name Change</i>
04/10/2017	 Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call <i>[86] Order Setting Civil Jury Trial, Pre-Trial/Calendar Call</i>
06/29/2017	 Motion to Associate Counsel Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation <i>[87] Motion to Associate Counsel</i>
07/11/2017	 Stipulation and Order Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[88] Stipulation for HIPAA Qualified Protective Order and Confidentiality Order</i>
07/11/2017	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[89] Notice of Entry of Stipulation for HIPAA Qualified Protective Order and Confidentiality Order</i>
08/11/2017	 Order Admitting to Practice Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation <i>[90] Order Admitting to Practice</i>
08/11/2017	 Notice of Entry of Order Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation <i>[91] Notice of Entry of Order Admitting to Practice</i>
09/26/2017	 Stipulation and Order to Extend Discovery Deadlines Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

# CASE SUMMARY

CASE NO. A-14-711535-C

	<i>[92] Stipulation and Order to Extend Discovery Deadlines and to Continue Trial (First Request)</i>
09/26/2017	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[93] Notice of Entry of Stipulation and Order to Extend Discovery Deadlines (First Request)</i>
09/27/2017	 Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call <i>[94] Order Re-Setting Civil Jury Trial, Pre-Trial/Calendar Call</i>
11/01/2017	 Notice Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[95] Notice of Subpoena Duces Tecum to Catlin Insurance Services, Inc.</i>
11/13/2017	 Proof of Service Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[96] Proof of Service Regarding Catlin Insurance Services, Inc.</i>
02/13/2018	 Application for Issuance of Commission to Take Deposition Party: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation <i>[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 &amp; Brown of Florida, Inc.</i>
03/07/2018	 Stipulation and Order to Extend Discovery Deadlines <i>[98] Stipulation and Order to Extend Discovery Deadlines and to Continue Trial</i>
03/09/2018	 Recorders Transcript of Hearing <i>[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</i>
03/12/2018	 Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call <i>[100] Order Re-Setting Civil Jury Trial, Pre-Trial/ Calendar Call</i>
05/17/2018	 Stipulation and Order to Extend Discovery Deadlines Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[101] Stipulation and Order to Extend Discovery Deadlines and to Continue Trial (Third Request)</i>
05/21/2018	 Notice of Entry of Stipulation and Order <i>[102] Notice of Entry of Stipulation and Order to Extend Discovery Deadlines and to Continue Trial (Third Request)</i>
05/21/2018	 Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[103] Order Re-Setting Civil Jury Trial, Pre-Trial/Calendar Call</i>

# CASE SUMMARY

CASE NO. A-14-711535-C

08/14/2018



## Motion for Judgment

Filed By: Third Party Plaintiff Chur, Robert; Third Party Plaintiff Fogg, Steve; Third Party Plaintiff Garber, Mark; Third Party Plaintiff Harter, Carol; Third Party Plaintiff Hurlbut, Robert; Third Party Plaintiff Lumpkin, Barbara; Third Party Plaintiff Marshall, Jeff; Third Party Plaintiff Stickels, Eric

*[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

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[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

Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation

*[106] Motion to Associate Counsel Erin Kolmansberger*

09/19/2018



## Motion for Protective Order

Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation

*[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

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[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

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[108] Initial Appearance Fee Disclosure*

09/24/2018



## Motion for Protective Order

Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation

*[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

Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation

*[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

Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation

*[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*









# CASE SUMMARY

CASE NO. A-14-711535-C

09/26/2018	 Opposition to Motion For Protective Order Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[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</i>
09/27/2018	 Reply in Support Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation <i>[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</i>
10/01/2018	 Motion to Strike Filed By: Third Party Plaintiff Chur, Robert; Third Party Plaintiff Fogg, Steve; Third Party Plaintiff Garber, Mark; Third Party Plaintiff Harter, Carol; Third Party Plaintiff Hurlbut, Robert; Third Party Plaintiff Lumpkin, Barbara; Third Party Plaintiff Marshall, Jeff; Third Party Plaintiff Stickels, Eric <i>[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</i>
10/03/2018	 Application for Issuance of Commission to Take Deposition Party: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation <i>[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</i>
10/03/2018	 Commission Issued Filed by: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation <i>[117] Commission to Take Out-Of-State Videotaped Deposition of Jeff Marshall</i>
10/04/2018	 Reply in Support Filed By: Third Party Plaintiff Chur, Robert; Third Party Plaintiff Fogg, Steve; Third Party Plaintiff Garber, Mark; Third Party Plaintiff Harter, Carol; Third Party Plaintiff Hurlbut, Robert; Third Party Plaintiff Lumpkin, Barbara; Third Party Plaintiff Marshall, Jeff; Third Party Plaintiff Stickels, Eric <i>[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)</i>
10/08/2018	 Opposition to Motion For Summary Judgment Filed By: Third Party Plaintiff Chur, Robert; Third Party Plaintiff Fogg, Steve; Third Party Plaintiff Garber, Mark; Third Party Plaintiff Harter, Carol; Third Party Plaintiff Hurlbut, Robert; Third Party Plaintiff Lumpkin, Barbara; Third Party Plaintiff Marshall, Jeff; Third Party Plaintiff Stickels, Eric <i>[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</i>
10/08/2018	 Application for Issuance of Commission to Take Deposition Party: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation <i>[120] Application for Issuance of Commission to Take Out-Of-State Videotaped Deposition of Steven Fogg</i>

# CASE SUMMARY

CASE NO. A-14-711535-C

10/08/2018	 Commission Issued Filed by: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation <i>[121] Commission to Take Out-Of-State Videotaped Deposition of Steven Fogg</i>
10/09/2018	 Opposition to Motion Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[122] Opposition Director Defendants' Motion to Strike</i>
10/10/2018	 Reply in Support Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[123] Plaintiff's Reply in Support of Countermotion for Summary Judgment as to Liability Only</i>
10/11/2018	 Order Granting Motion Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation <i>[124] Order Granting Motion to Associate Counsel</i>
10/11/2018	 Notice of Entry of Order Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation <i>[125] Notice of Entry of Order Admitting to Practice</i>
10/19/2018	 Recorders Transcript of Hearing <i>[126] Transcript of Proceedings, All Pending Motions, Heard on October 11, 2018</i>
11/02/2018	 Suggestion of Death Filed by: Third Party Plaintiff Chur, Robert; Third Party Plaintiff Fogg, Steve; Third Party Plaintiff Garber, Mark; Third Party Plaintiff Harter, Carol; Third Party Plaintiff Hurlbut, Robert; Third Party Plaintiff Lumpkin, Barbara; Third Party Plaintiff Marshall, Jeff; Third Party Plaintiff Stickels, Eric <i>[127] Suggestion of Death Upon the Records Pursuant to NRCP 25(a)</i>
11/02/2018	 Order Denying Motion Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[128] Order Denying Director Defendants' Motion for Judgment on the Pleadings Pursuant to NRCP 12(c)</i>
11/06/2018	 Order Filed By: Third Party Plaintiff Chur, Robert; Third Party Plaintiff Fogg, Steve; Third Party Plaintiff Garber, Mark; Third Party Plaintiff Harter, Carol; Third Party Plaintiff Hurlbut, Robert; Third Party Plaintiff Lumpkin, Barbara; Third Party Plaintiff Marshall, Jeff; Third Party Plaintiff Stickels, Eric <i>[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</i>
11/06/2018	 Application for Issuance of Commission to Take Deposition Party: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation <i>[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</i>


# CASE SUMMARY

CASE NO. A-14-711535-C

11/06/2018	 Commission Issued Filed by: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation <i>[131] Amended Commission to Take Out-Of-State Videotaped Deposition of Jeff Marshall</i>
11/06/2018	 Application for Issuance of Commission to Take Deposition Party: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation <i>[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</i>
11/06/2018	 Commission Issued Filed by: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation <i>[133] Commission to Take Out-Of-State Videotaped Deposition of Eric Stickels</i>
11/07/2018	 Notice of Entry Filed By: Third Party Plaintiff Chur, Robert; Third Party Plaintiff Fogg, Steve; Third Party Plaintiff Garber, Mark; Third Party Plaintiff Harter, Carol; Third Party Plaintiff Hurlbut, Robert; Third Party Plaintiff Lumpkin, Barbara; Third Party Plaintiff Marshall, Jeff; Third Party Plaintiff Stickels, Eric <i>[134] Notice of Entry of Order</i>
11/07/2018	 Notice of Entry of Order Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[135] Notice of Entry of Order</i>
11/16/2018	 Notice of Association of Counsel <i>[136] Notice of Association of Counsel</i>
11/21/2018	 Discovery Commissioners Report and Recommendations Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation <i>[137] Discovery Commissioner's Report and Recommendations</i>
11/29/2018	 Motion to Reconsider <i>[138] Motion For Reconsideration</i>
12/03/2018	 Request <i>[139] Request for Hearing on Defendants' Motion for Reconsideration</i>
12/12/2018	 Motion Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[140] Plaintiff's Motion for Extension of Discovery Deadlines and to Continue Trial on Order Shortening Time (Fourth Request)</i>
12/19/2018	 Motion for Substitution Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[141] Plaintiff's Motion for Substitution of Deceased Party Pursuant to NRCP 25(a)</i>
12/20/2018	 Application for Issuance of Commission to Take Deposition Party: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims

# CASE SUMMARY












CASE NO. A-14-711535-C

	<p>Services Corp; Defendant U S Re Corporation  <i>[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</i></p>
12/20/2018	<p> Commission Issued            Filed by: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation  <i>[143] Commission to Take Out-of-State Videotaped Deposition of Robert Chur</i></p>
12/20/2018	<p> Application for Issuance of Commission to Take Deposition            Party: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation  <i>[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</i></p>
12/20/2018	<p> Commission Issued            Filed by: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation  <i>[145] Commission to Take Out-of-State Videotaped Deposition of Robert Hurlbut</i></p>
12/21/2018	<p> Response            Filed by: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation  <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></p>
12/24/2018	<p> Response            Filed by: Third Party Plaintiff Chur, Robert; Third Party Plaintiff Fogg, Steve; Third Party Plaintiff Garber, Mark; Third Party Plaintiff Harter, Carol; Third Party Plaintiff Hurlbut, Robert; Third Party Plaintiff Lumpkin, Barbara; Third Party Plaintiff Marshall, Jeff; Third Party Plaintiff Stickels, Eric  <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></p>
12/27/2018	<p> Stipulation and Order  <i>[148] Stipulation and Order to Move Hearing Date on Motion for Reconsideration</i></p>
12/27/2018	<p> Opposition            Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  <i>[150] Plaintiff's Opposition to Director Defendants' Motion for Reconsideration and Countermotion for Attorney's Fees</i></p>
12/28/2018	<p> Certificate of Service            Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  <i>[149] Certificate of Service</i></p>
12/28/2018	<p> Notice of Entry of Stipulation and Order            Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  <i>[151] Notice of Entry of Stipulation and Order</i></p>
01/04/2019	















# CASE SUMMARY

CASE NO. A-14-711535-C

	 Reply in Support <i>[152] Reply in Support of Motion for Reconsideration and Opposition to Countermotion for Attorney's Fees</i>
01/07/2019	 Opposition to Motion Filed By: Third Party Plaintiff Chur, Robert; Third Party Plaintiff Fogg, Steve; Third Party Plaintiff Garber, Mark; Third Party Plaintiff Harter, Carol; Third Party Plaintiff Hurlbut, Robert; Third Party Plaintiff Lumpkin, Barbara; Third Party Plaintiff Marshall, Jeff; Third Party Plaintiff Stickels, Eric <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>
01/09/2019	 Affidavit of Service Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[154] Affidavit of Service (re: Plaintiff's Motion for Substitution of Deceased Party Pursuant to NRC 25(a))</i>
01/11/2019	 Recorders Transcript of Hearing <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	 Recorders Transcript of Hearing <i>[156] Transcript of Proceedings, Plaintiff's Opposition to Director Defendants' Motion for Reconsideration and Countermotion for Attorney's Fees Request for Hearing on Defendants' Motion for Reconsideration, Heard on January 9, 2019</i>
01/17/2019	 Reply to Opposition Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[157] Reply to Defendants' Opposition to Plaintiff's Motion to Substitute</i>
01/17/2019	 Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call <i>[158] Order Re-Setting Civil Jury Trial, Pre-Trial/Calendar Call</i>
01/22/2019	 Application for Issuance of Commission to Take Deposition Party: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation <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	 Commission Issued Filed by: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation <i>[160] Commission to Take Out-Of-State Videotaped Deposition of Mark Garber</i>
01/29/2019	 Order Granting Filed By: Third Party Plaintiff Chur, Robert; Third Party Plaintiff Fogg, Steve; Third Party Plaintiff Garber, Mark; Third Party Plaintiff Harter, Carol; Third Party Plaintiff Hurlbut, Robert; Third Party Plaintiff Lumpkin, Barbara; Third Party Plaintiff Marshall, Jeff; Third Party Plaintiff Stickels, Eric <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	 Notice of Entry of Order Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis

# CASE SUMMARY

CASE NO. A-14-711535-C

	and Clark <i>[163] Notice of Entry of Order</i>
01/31/2019	 Notice of Entry Filed By: Third Party Plaintiff Chur, Robert; Third Party Plaintiff Fogg, Steve; Third Party Plaintiff Garber, Mark; Third Party Plaintiff Harter, Carol; Third Party Plaintiff Hurlbut, Robert; Third Party Plaintiff Lumpkin, Barbara; Third Party Plaintiff Marshall, Jeff; Third Party Plaintiff Stickels, Eric <i>[164] Notice of Entry or Order</i>
02/07/2019	 Notice of Entry of Decision and Order Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[165] Notice of Entry of Decision and Order</i>
02/11/2019	 Notice of Entry of Order <i>[166] Notice of Entry of Decision and Order</i>
02/11/2019	 Decision and Order <i>[167] Decision and Order</i>
02/20/2019	 Notice of Entry <i>[168] Notice of Entry of Order</i>
02/20/2019	 Order <i>[169] Order Striking Filing</i>
02/21/2019	 Order Denying Motion Filed By: Third Party Plaintiff Chur, Robert; Third Party Plaintiff Fogg, Steve; Third Party Plaintiff Garber, Mark; Third Party Plaintiff Harter, Carol; Third Party Plaintiff Hurlbut, Robert; Third Party Plaintiff Lumpkin, Barbara; Third Party Plaintiff Marshall, Jeff; Third Party Plaintiff Stickels, Eric <i>[170] Order Denying the Motion to Substitute</i>
02/26/2019	 Notice of Entry of Order Filed By: Third Party Plaintiff Chur, Robert; Third Party Plaintiff Fogg, Steve; Third Party Plaintiff Garber, Mark; Third Party Plaintiff Harter, Carol; Third Party Plaintiff Hurlbut, Robert; Third Party Plaintiff Lumpkin, Barbara; Third Party Plaintiff Marshall, Jeff; Third Party Plaintiff Stickels, Eric <i>[171] Notice of Entry of Order</i>
03/08/2019	 Motion to Stay <i>[172] Motion to Stay Proceedings Pending Petition for Writ of Mandamus on an Order Shortening Time</i>
03/11/2019	 Joinder Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[173] Limited Joinder to Directors' Motion to Stay Proceedings Pending Petition for Writ of Mandamus</i>
03/12/2019	 Notice <i>[174] Notice of Filing of Petition for Writ of Mandamus</i>
03/12/2019	 Opposition to Motion Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims

# CASE SUMMARY

CASE NO. A-14-711535-C

Services Corp; Defendant U S Re Corporation

*[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

*[176] Reply in Support of Motion to Stay Proceedings Pending Petition for Writ of Mandamus*

03/25/2019



Notice

*[177] Notice of Submission of Proposed Order Granting Motion to Stay Proceedings Pending Petition for Writ of Mandamus*

04/04/2019



Order Granting Motion

*[178] Order Granting Motion to Stay Proceedings Pending Petition for Writ of Mandamus*

04/12/2019



Notice of Entry of Order

*[179] Notice of Entry of Order Granting Motion to Stay Proceedings Pending Petition for Writ of Mandamus*

05/10/2019



Status Report

Filed By: Third Party Plaintiff Chur, Robert

*[180] Defendant Director's Status Report re Petition for Writ of Mandamus*

05/16/2019



Status Report

*[181] Director Defendants' Supplemental Status Report Regarding Petition for Writ of Mandamus*

07/02/2019



Motion

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[182] Motion to Lift Stay or Alternatively Grant Plaintiff Other Relief on Order Shortening Time*

07/03/2019



Amended Certificate of Service

Party: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[183] Amended Certificate of Service*

07/09/2019



Opposition to Motion

Filed By: Third Party Plaintiff Chur, Robert; Third Party Plaintiff Fogg, Steve; Third Party Plaintiff Garber, Mark; Third Party Plaintiff Harter, Carol; Third Party Plaintiff Hurlbut, Robert; Third Party Plaintiff Lumpkin, Barbara; Third Party Plaintiff Marshall, Jeff; Third Party Plaintiff Stickels, Eric

*[184] The Director Defendants' Opposition to Plaintiff's Motion to Lift Stay or Alternatively Grant Plaintiff Other Relief*

07/10/2019



Response

Filed by: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation

*[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*

07/16/2019








Recorders Transcript of Hearing

*[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*

# CASE SUMMARY

CASE NO. A-14-711535-C

08/12/2019	 Order Denying Motion Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[187] Order Denying Plaintiff's Motion to Lift Stay or Alternatively Grant Plaintiff Other Relief on Order Shortening Time</i>
08/12/2019	 Notice of Entry of Order Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[188] Notice of Entry of Order</i>
11/18/2019	 Status Report Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[189] Joint Status Report</i>
01/17/2020	 Status Report Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[190] Joint Status Report</i>
01/21/2020	 Notice of Change of Address Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[191] Notice of Change of Address</i>
02/28/2020	 Notice of Change Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[192] Notice of Change of Address/Change of Law Firm</i>
03/10/2020	 Substitution of Attorney Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[193] Substitution of Counsel</i>
03/18/2020	 Substitution of Attorney Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[194] Substitution of Counsel</i>
03/23/2020	 Status Report <i>[195] Joint Status Report</i>
03/23/2020	 Status Report <i>[196] Director Defendants' Status Report</i>
03/23/2020	 Status Report Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation <i>[197] Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp., and U.S. Re Corporation's Status Report</i>
04/06/2020	 Motion for Clarification

# CASE SUMMARY

CASE NO. A-14-711535-C

*[198] Motion for Clarification on Order Shortening Time*

04/06/2020



Certificate of Service

Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[199] Certificate of Service*

04/06/2020



Order Shortening Time

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[200] Motion for Clarification on Order Shortening Time*

04/08/2020



Opposition

*[201] Director Defendants' Limited Opposition to Plaintiff's Motion for Clarification on an Order Shortening Time*

04/09/2020



Response

Filed by: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation

*[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



Reply in Support

*[203] Omnibus Reply in Support of Motion for Clarification on Order Shortening Time*

04/23/2020



Recorders Transcript of Hearing

*[204] Recorder's Transcript of Proceedings, RE: Plaintiff's Motion For Clarification on Order Shortening Time 4/10/20*

04/27/2020



Order Granting

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[205] Order Regarding Plaintiff's Motion for Clarification on Order Shortening Time*

04/28/2020



Notice of Entry of Order

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[206] Notice of Entry of Order*

05/13/2020



Supplement

Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[207] Supplemental Brief to the Motion for Clarification*

05/14/2020



Stipulation and Order

Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[208] Stipulation and Order*

05/14/2020



Stipulation and Order

Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[209] Stipulation and Order*

05/15/2020



Notice of Entry of Stipulation and Order

# CASE SUMMARY

CASE NO. A-14-711535-C

	<p>Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  <i>[210] Notice of Entry of Order</i></p>
06/10/2020	<p> Supplement            Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  <i>[211] Second Supplemental Brief to the Motion for Clarification</i></p>
06/17/2020	<p> Status Report  <i>[212] Joint Status Report</i></p>
06/17/2020	<p> Notice of Withdrawal of Attorney            Filed by: Third Party Plaintiff Chur, Robert; Third Party Plaintiff Fogg, Steve; Third Party Plaintiff Garber, Mark; Third Party Plaintiff Harter, Carol; Third Party Plaintiff Hurlbut, Robert; Third Party Plaintiff Lumpkin, Barbara; Third Party Plaintiff Marshall, Jeff; Third Party Plaintiff Stickels, Eric  <i>[213] Notice of Withdrawal of Counsel</i></p>
06/22/2020	<p> Recorders Transcript of Hearing  <i>[214] Transcript of Proceedings, Plaintiff's Motion for Clarification on Order Shortening Time, Heard on June 18, 2020</i></p>
06/24/2020	<p> Order Shortening Time            Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  <i>[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</i></p>
06/26/2020	<p> Certificate of Service  <i>[216] Certificate of Service</i></p>
06/26/2020	<p> Amended Notice            Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  <i>[217] Amended Notice of Hearing</i></p>
06/29/2020	<p> Order Granting Motion  <i>[218] Order Granting Plaintiff's Motion for Clarification on Order Shortening Time</i></p>
06/30/2020	<p> Notice of Entry of Order            Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  <i>[219] Notice of Entry of Order</i></p>
06/30/2020	<p> Response            Filed by: Third Party Plaintiff Chur, Robert; Third Party Plaintiff Fogg, Steve; Third Party Plaintiff Garber, Mark; Third Party Plaintiff Harter, Carol; Third Party Plaintiff Hurlbut, Robert; Third Party Plaintiff Lumpkin, Barbara; Third Party Plaintiff Marshall, Jeff; Third Party Plaintiff Stickels, Eric  <i>[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</i></p>



# CASE SUMMARY

CASE NO. A-14-711535-C

06/30/2020	 Response Filed by: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation <i>[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</i>
07/02/2020	 Motion for Leave to File <i>[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</i>
07/02/2020	 Motion to Amend Complaint Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[223] Motion for Leave to File Fourth Amended Complaint</i>
07/02/2020	 Appendix Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[224] Appendix (Volume 1) to Motion for Leave to File Fourth Amended Complaint</i>
07/02/2020	Appendix Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[225] Appendix (Volume 2) to Motion for Leave to File Fourth Amended Complaint (Part 1)</i>
07/02/2020	 Appendix Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[226] Appendix (Volume 2) to Motion for Leave to File Fourth Amended Complaint (Part 2)</i>
07/02/2020	 Appendix Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[227] Appendix (Volume 4) to Motion for Leave to File Fourth Amended Complaint</i>
07/02/2020	 Appendix Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[228] Appendix (Volume 5) to Motion for Leave to File Fourth Amended Complaint (Part 1)</i>
07/02/2020	 Appendix Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[229] Appendix (Volume 5) to Motion for Leave to File Fourth Amended Complaint (Part 2)</i>
07/02/2020	 Appendix Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[230] Appendix (Volume 3) to Motion for Leave to File Fourth Amended Complaint</i>
07/02/2020	 Redacted Version <i>[256] Redacted version of Appendix (2) to remove pages 68-91 and seal them per Order 8/3/20</i>

# CASE SUMMARY

CASE NO. A-14-711535-C

07/02/2020	 Filed Under Seal <i>[257] Sealed pages 68-91 of Appendix per Order 8/3/20</i>
07/06/2020	 Notice of Hearing <i>[231] Notice of Hearing</i>
07/07/2020	 Clerk's Notice of Hearing <i>[232] Notice of Hearing</i>
07/07/2020	 Notice <i>[233] Amended Notice of Hearing</i>
07/08/2020	 Clerk's Notice of Nonconforming Document <i>[234] Clerk's Notice of Nonconforming Document</i>
07/09/2020	 Clerk's Notice of Nonconforming Document and Curative Action <i>[235] Clerk's Notice of Curative Action</i>
07/09/2020	 Errata Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[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</i>
07/10/2020	 Clerk's Notice of Hearing <i>[237] Notice of Hearing</i>
07/10/2020	 Stipulation and Order Filed by: Third Party Plaintiff Chur, Robert <i>[238] STIPULATION AND ORDER TO REGARDING THE HEARING ON THE MOTION FOR LEAVE TO FILE FOURTH AMENDED COMPLAINT</i>
07/13/2020	 Notice of Entry of Stipulation and Order Filed By: Third Party Plaintiff Chur, Robert; Third Party Plaintiff Fogg, Steve; Third Party Plaintiff Garber, Mark; Third Party Plaintiff Harter, Carol; Third Party Plaintiff Hurlbut, Robert; Third Party Plaintiff Lumpkin, Barbara; Third Party Plaintiff Marshall, Jeff; Third Party Plaintiff Stickels, Eric <i>[239] Notice of Entry of Stipulation and Order Regarding the Hearing on the Motion for Leave to File Fourth Amended Complaint</i>
07/15/2020	 Order Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[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</i>
07/16/2020	 Notice of Entry <i>[241] Notice of Entry of Order</i>
07/17/2020	 Opposition Filed By: Third Party Plaintiff Chur, Robert; Third Party Plaintiff Fogg, Steve; Third Party Plaintiff Garber, Mark; Third Party Plaintiff Harter, Carol; Third Party Plaintiff Hurlbut,



# CASE SUMMARY

CASE NO. A-14-711535-C

Robert; Third Party Plaintiff Lumpkin, Barbara; Third Party Plaintiff Marshall, Jeff; Third Party Plaintiff Stickels, Eric  
*[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

Filed By: Third Party Plaintiff Chur, Robert; Third Party Plaintiff Fogg, Steve; Third Party Plaintiff Garber, Mark; Third Party Plaintiff Harter, Carol; Third Party Plaintiff Hurlbut, Robert; Third Party Plaintiff Lumpkin, Barbara; Third Party Plaintiff Marshall, Jeff; Third Party Plaintiff Stickels, Eric  
*[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

Filed by: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation  
*[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

Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation  
*[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



## Reply in Support

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  
*[246] Omnibus Reply in Support of Motion for Leave to File Fourth Amended Complaint*

07/22/2020



## Order Shortening Time

*[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*

07/24/2020



## Recorders Transcript of Hearing

*[249] Transcript of Proceedings, All Pending Motions, Heard on July 23, 2020*

07/28/2020



## Order Granting Motion

Filed By: Defendant Uni-Ter Underwriting Management Corp  
*[250] Order Granting Motion For Leave To File Amended Answers To Third Amended Complaint*

07/28/2020



## Notice of Entry of Order

Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation  
*[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*

07/31/2020



## Notice

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  
*[252] PLAINTIFF S NOTICE OF AVAILABILITY FOR JURY TRIAL AND PROVIDING NEW DISCOVERY AND TRIAL SCHEDULES BASED OFF OF TIME REMAINING UNDER*

# CASE SUMMARY

CASE NO. A-14-711535-C

## OPERATIVE DISCOVERY SCHEDULING ORDER AND TRIAL AVAILABILITY

07/31/2020	 Expert Witness Disclosure [253] PLAINTIFF S INITIAL EXPERT DISCLOSURE PURSUANT TO NRCP 16.1(a)(2)
07/31/2020	 NRCP 16.1 Disclosure Statement [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 Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark [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 [258]
08/06/2020	 Notice of Entry Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark [259] Notice of Entry of Order
08/07/2020	 Amended Answer Filed By: Defendant Uni-Ter Underwriting Management Corp [260] Defendant Uni-Ter Underwriting Management Corp's Amended Answer to Plaintiff's Third Amended Complaint
08/07/2020	 Amended Answer Filed By: Defendant Uni-Ter Claims Services Corp [261] Defendant Uni-Ter Claims Services Corp. s Amended Answer to Third Amended Complaint
08/07/2020	 Amended Answer Filed By: Defendant U S Re Corporation [262] Defendant U.S. Re Corporation's Amended Answer to Third Amended Complaint
08/10/2020	 Notice of Entry of Findings of Fact, Conclusions of Law Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation [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 Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation [265] Order Denying Plaintiff's Motion for Leave to File Fourth Amended Complaint
08/10/2020	 Notice of Entry of Order Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark [266] Notice of Entry of Order
08/13/2020	 Order

# CASE SUMMARY

CASE NO. A-14-711535-C

*[267] Order to Strike from Record*

08/13/2020



Order Granting Motion

Filed By: Third Party Plaintiff Chur, Robert; Third Party Plaintiff Fogg, Steve; Third Party Plaintiff Garber, Mark; Third Party Plaintiff Harter, Carol; Third Party Plaintiff Hurlbut, Robert; Third Party Plaintiff Lumpkin, Barbara; Third Party Plaintiff Marshall, Jeff; Third Party Plaintiff Stickels, Eric

*[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

*[269] Notice of Entry of Order*

08/14/2020



Motion to Reconsider

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[270] Motion for Partial Reconsideration of Motion for Leave to Amend Regarding Director Defendants*

08/14/2020



Notice of Entry of Order

Filed By: Third Party Plaintiff Chur, Robert; Third Party Plaintiff Fogg, Steve; Third Party Plaintiff Garber, Mark; Third Party Plaintiff Harter, Carol; Third Party Plaintiff Hurlbut, Robert; Third Party Plaintiff Lumpkin, Barbara; Third Party Plaintiff Marshall, Jeff; Third Party Plaintiff Stickels, Eric

*[271] Notice of Entry of Order*

08/18/2020



Clerk's Notice of Hearing

*[272] Notice of Hearing*

08/18/2020



Ex Parte Motion

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[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

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[274] Notice of Entry of Order*

08/18/2020



Memorandum of Costs and Disbursements

Filed By: Third Party Plaintiff Chur, Robert; Third Party Plaintiff Fogg, Steve; Third Party Plaintiff Garber, Mark; Third Party Plaintiff Harter, Carol; Third Party Plaintiff Hurlbut, Robert; Third Party Plaintiff Lumpkin, Barbara; Third Party Plaintiff Marshall, Jeff; Third Party Plaintiff Stickels, Eric

*[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

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[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












# CASE SUMMARY

CASE NO. A-14-711535-C

	 Clerk's Notice of Hearing <i>[277] Notice of Hearing</i>
08/24/2020	 Opposition Filed By: Third Party Plaintiff Chur, Robert; Third Party Plaintiff Fogg, Steve; Third Party Plaintiff Garber, Mark; Third Party Plaintiff Harter, Carol; Third Party Plaintiff Hurlbut, Robert; Third Party Plaintiff Lumpkin, Barbara; Third Party Plaintiff Marshall, Jeff; Third Party Plaintiff Stickels, Eric <i>[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</i>
08/25/2020	 Reply in Support Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[279] Reply in Support of Motion for Partial Reconsideration of Motion for Leave to Amend Regarding Director Defendants</i>
08/25/2020	 Scheduling and Trial Order <i>[280] Scheduling Order And Order Setting Firm Civil Jury Trial and Calendar Call</i>
08/26/2020	 Order Granting Motion Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[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</i>
08/26/2020	 Scheduling and Trial Order <i>[282] Scheduling Order and Order Setting Firm Civil Jury Trial and Calendar</i>
08/27/2020	 Notice of Entry <i>[283] Notice of Entry of Order</i>
08/27/2020	 Amended Scheduling Order <i>[284] AMENDED SCHEDULING ORDER AND ORDER SETTING FIRM CIVIL JURY TRIAL AND CALENDAR CALL</i>
08/28/2020	 Motion Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[285] Motion to Stay Proceedings Pending Petition for Writ of Mandamus on Order Shortening Time</i>
08/28/2020	 Notice of Entry Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[286] Notice of Entry of Order</i>
09/01/2020	 Opposition to Motion Filed By: Third Party Plaintiff Chur, Robert; Third Party Plaintiff Fogg, Steve; Third Party Plaintiff Garber, Mark; Third Party Plaintiff Harter, Carol; Third Party Plaintiff Hurlbut, Robert; Third Party Plaintiff Lumpkin, Barbara; Third Party Plaintiff Marshall, Jeff; Third Party Plaintiff Stickels, Eric <i>[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</i>












# CASE SUMMARY

CASE NO. A-14-711535-C

09/03/2020	 Recorders Transcript of Hearing <i>[288] Transcript of Proceedings, Motions, Heard on July 1, 2020</i>
09/03/2020	 Recorders Transcript of Hearing <i>[289] Transcript of Proceedings, Motions, Heard on August 26, 2020</i>
09/03/2020	 Motion Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[290] Motion to Certify Judgment as Final Pursuant to NRCP 54(b) on Order Shortening Time</i>
09/04/2020	 Notice of Entry <i>[291] Notice of Entry of Order</i>
09/08/2020	 Response Filed by: Third Party Plaintiff Chur, Robert; Third Party Plaintiff Fogg, Steve; Third Party Plaintiff Garber, Mark; Third Party Plaintiff Harter, Carol; Third Party Plaintiff Hurlbut, Robert; Third Party Plaintiff Lumpkin, Barbara; Third Party Plaintiff Marshall, Jeff; Third Party Plaintiff Stickels, Eric <i>[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</i>
09/08/2020	 Opposition to Motion Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation <i>[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)</i>
09/09/2020	 Findings of Fact, Conclusions of Law and Order Filed By: Third Party Plaintiff Chur, Robert; Third Party Plaintiff Fogg, Steve; Third Party Plaintiff Garber, Mark; Third Party Plaintiff Harter, Carol; Third Party Plaintiff Hurlbut, Robert; Third Party Plaintiff Marshall, Jeff; Third Party Plaintiff Stickels, Eric; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation <i>[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</i>
09/10/2020	 Notice of Entry of Order Filed By: Third Party Plaintiff Chur, Robert; Third Party Plaintiff Fogg, Steve; Third Party Plaintiff Garber, Mark; Third Party Plaintiff Harter, Carol; Third Party Plaintiff Hurlbut, Robert; Third Party Plaintiff Lumpkin, Barbara; Third Party Plaintiff Marshall, Jeff; Third Party Plaintiff Stickels, Eric <i>[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</i>
09/16/2020	 Recorders Transcript of Hearing <i>[296] Transcript of Proceedings, Motions, Heard on September 3, 2020</i>
09/17/2020	 Order Granting Motion Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[297] Order Granting Plaintiff's Motion to Stay Proceedings</i>
09/17/2020	 Notice of Entry of Order Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis

# CASE SUMMARY

CASE NO. A-14-711535-C

	and Clark <i>[298] Notice of Entry of Order</i>
09/24/2020	 Notice of Change Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation <i>[299] Notice of Change of Firm Affiliation and Address</i>
03/30/2021	 Motion Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[300] Motion to Lift Stay and for Re-Setting of Preferential Trial Setting</i>
03/31/2021	 Clerk's Notice of Hearing <i>[301] Notice of Hearing</i>
04/12/2021	 Notice of Change of Address Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation <i>[302] Notice of Change of Address</i>
04/13/2021	 Response Filed by: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation <i>[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</i>
04/28/2021	 Reply in Support <i>[304] Reply in Support of Motion to Lift Stay and for Re-Setting of Preferential Trial Date</i>
05/11/2021	 Order Granting Motion Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[305] Order Granting Plaintiff's Motion to Lift Stay and for Re-setting of Preferential Trial Date; Order Setting Firm Civil Jury Trial</i>
05/12/2021	 Notice of Entry <i>[306] Notice of Entry of Order</i>
05/12/2021	 Scheduling and Trial Order <i>[307] ORDER SETTING FIRM CIVIL JURY TRIAL AND CALENDAR CALL</i>
05/13/2021	 Opposition Filed By: Third Party Plaintiff Chur, Robert; Third Party Plaintiff Fogg, Steve; Third Party Plaintiff Garber, Mark; Third Party Plaintiff Harter, Carol; Third Party Plaintiff Hurlbut, Robert; Third Party Plaintiff Lumpkin, Barbara; Third Party Plaintiff Marshall, Jeff; Third Party Plaintiff Stickels, Eric <i>[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</i>
05/13/2021	 Motion for Attorney Fees and Costs Filed By: Third Party Plaintiff Chur, Robert; Third Party Plaintiff Fogg, Steve; Third Party Plaintiff Garber, Mark; Third Party Plaintiff Harter, Carol; Third Party Plaintiff Hurlbut, Robert; Third Party Plaintiff Lumpkin, Barbara; Third Party Plaintiff Marshall, Jeff; Third













# CASE SUMMARY

CASE NO. A-14-711535-C

	<p>Party Plaintiff Stickels, Eric  <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 NRCF 68 and NRS Chapter 18</i></p>
05/13/2021	<p> Clerk's Notice of Hearing  <i>[310] Notice of Hearing</i></p>
05/19/2021	<p> Stipulation and Order            Filed by: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation  <i>[311] Stipulation and Order Regarding Pretrial Deadlines</i></p>
05/19/2021	<p> Stipulation and Order            Filed by: Attorney Garin, Joseph P; Attorney Ogilvie, George F., III; Third Party Plaintiff Chur, Robert; Third Party Plaintiff Fogg, Steve; Third Party Plaintiff Garber, Mark; Third Party Plaintiff Harter, Carol; Third Party Plaintiff Hurlbut, Robert; Third Party Plaintiff Lumpkin, Barbara; Third Party Plaintiff Marshall, Jeff; Third Party Plaintiff Stickels, Eric  <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></p>
05/20/2021	<p> Notice of Entry of Stipulation and Order            Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation  <i>[313] Notice of Entry of Stipulation and Order Regarding Pretrial Deadlines</i></p>
05/20/2021	<p> Application for Issuance of Commission to Take Deposition  <i>[314] Application for Commission to Take Out-of-State Deposition of Sanford Elsass</i></p>
05/20/2021	<p> Commission Issued            Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  <i>[315] Commission to Take Out-of-State Deposition</i></p>
05/24/2021	<p> Response            Filed by: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation  <i>[316] Response to Subpoena Duces Tecum to Custodian of Records for Alan Gray LLC</i></p>
05/24/2021	<p> Response            Filed by: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation  <i>[317] Response to Subpoena Duces Tecum to Custodian of Records for Alan Gray LLC</i></p>
05/24/2021	<p> Response            Filed by: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation  <i>[318] Response to Subpoena Duces Tecum to Custodian of Records for GlassRatner Advisory &amp; Capital Group LLC</i></p>
06/10/2021	<p> Opposition to Motion            Filed By: Third Party Plaintiff Chur, Robert  <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 NRCF 68 and NRS Chapter 18</i></p>

# CASE SUMMARY

CASE NO. A-14-711535-C












06/18/2021	 Application for Issuance of Commission to Take Deposition Party: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark [320] <i>Application For Commission To Take Out-Of-State- Deposition</i>
06/18/2021	 Commission to Take Deposition Outside the State of Nevada Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark [321] <i>Commission To Take Out-Of-State Deposition</i>
06/20/2021	 Motion for Declaratory Relief Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark [322] <i>Motion for Declaratory Relief</i>
06/21/2021	 Clerk's Notice of Hearing [323] <i>Notice of Hearing</i>
06/22/2021	 Application for Issuance of Commission to Take Deposition Party: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark [324] <i>FILED as of 6/18/21 Application</i>
06/22/2021	 Commission Issued [325] <i>Commission to take Out of State Deposition of Sanford Elsass</i>
06/23/2021	 Notice of Rescheduling of Hearing [326] <i>Notice of Rescheduling of Hearing</i>
06/23/2021	 Notice of Rescheduling of Hearing [327] <i>Notice of Rescheduling of Hearing</i>
06/23/2021	 Notice of Deposition Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark [328] <i>NOTICE OF VIDEOTAPED DEPOSITION OF LARRY SHATOFF</i>
06/24/2021	 Reply in Support [329] <i>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	 Reply in Support Filed By: Third Party Plaintiff Chur, Robert; Third Party Plaintiff Fogg, Steve; Third Party Plaintiff Garber, Mark; Third Party Plaintiff Harter, Carol; Third Party Plaintiff Hurlbut, Robert; Third Party Plaintiff Lumpkin, Barbara; Third Party Plaintiff Marshall, Jeff; Third Party Plaintiff Stickels, Eric [330] <i>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>
07/01/2021	 Notice Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark [331] <i>Plaintiff's Notice of Objection to Notice of Intent to Issuance of Subpoena Duces Tecum</i>



# CASE SUMMARY

CASE NO. A-14-711535-C

*for Business Records to the Nevada Department of Insurance and Agreement to produce Responsive , non-responsive non-privileged documents*

07/01/2021	 Notice Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <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>
07/02/2021	 Acceptance of Service Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[333] Acceptance of Service of Subpoena</i>
07/06/2021	 Recorders Transcript of Hearing <i>[334] 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	 Response Filed by: Defendant Uni-Ter Underwriting Management Corp; Defendant U S Re Corporation <i>[335] 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	 Stipulation and Order Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[336] Stipulation and Order Regarding Pretrial Deadlines (Fourth Request)</i>
07/07/2021	 Notice of Entry of Order Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[337] Notice of Entry of Order</i>
07/13/2021	 Order Shortening Time <i>[338] Motion to Compel Discovery Pursuant to NRCP 37(a)(4) on Order Shortening Time</i>
07/16/2021	 Order Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[339] Order Denying Plaintiff's Motion to Retax and Settle Costs of Director Defendants</i>
07/19/2021	 Recorders Transcript of Hearing <i>[340] Transcript of Proceedings, Plaintiff's Motion to Retax and Settle, Heard on July 1, 2021</i>
07/19/2021	 Certificate of Service <i>[341] Certificate of Service</i>
07/19/2021	 Reply in Support Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[342] Plaintiff's Reply in Support of Motion for Declaratory Relief</i>
07/21/2021	 Notice of Rescheduling of Hearing <i>[343] Notice of Rescheduling of Hearing</i>

# CASE SUMMARY

CASE NO. A-14-711535-C

07/21/2021	 Stipulation and Order Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[344] Stipulation and Order Regarding Motion for Declaratory Relief</i>
07/21/2021	 Order Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[345] Order Denying Director Defendants' Motion for Attorney Fees and Costs</i>
07/21/2021	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[346] Notice Of Entry Of Stipulation And Order Regarding Motion For Declaratory Relief</i>
07/26/2021	 Notice of Entry <i>[347] Notice of Entry of Order</i>
07/27/2021	 Application Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[348] Application for Out of State Commissions for the Production of Business Records in Lieu of Appearance at a Deposition</i>
07/27/2021	 Response Filed by: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation <i>[349] 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	 Subpoena Electronically Issued <i>[350] OUT OF STATE COMMISSION FOR THE PRODUCTION OF BUSINESS RECORDS IN LIEU OF APPEARANCE AT A DEPOSITION</i>
07/27/2021	 Subpoena Electronically Issued Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[351] OUT OF STATE COMMISSION FOR THE PRODUCTION OF BUSINESS RECORDS IN LIEU OF APPEARANCE AT A DEPOSITION</i>
07/28/2021	 Motion for Partial Summary Judgment <i>[352] Motion for Partial Summary Judgment Regarding the Uni-Ter Defendants Fiduciary Duties</i>
07/29/2021	 Clerk's Notice of Hearing <i>[353] Notice of Hearing</i>
07/29/2021	 Notice of Entry Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[354] Notice of Entry of Order</i>
08/04/2021	 Motion in Limine Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis

# CASE SUMMARY

CASE NO. A-14-711535-C

	and Clark <i>[355] Plaintiff's Motion in Limine Number 1: to Preclude Sam Hewitt from Providing Expert Testimony Regarding Insolvency Analysis</i>
08/05/2021	 Clerk's Notice of Hearing <i>[356] Notice of Hearing</i>
08/11/2021	 Recorders Transcript of Hearing <i>[357] Transcript of Proceedings, Motions, Heard on August 2, 2021</i>
08/11/2021	 Opposition to Motion Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation <i>[358] 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	 Motion in Limine Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation <i>[359] 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	 Motion in Limine Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation <i>[360] Defendants' Motion in Limine Number 1: to Preclude Mark D. Tharp from Providing Expert Testimony on Impermissible Legal Conclusions</i>
08/13/2021	 Motion in Limine Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation <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	 Motion in Limine Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <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	 Motion in Limine Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <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	 Motion in Limine Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <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	 Motion in Limine Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

# CASE SUMMARY

CASE NO. A-14-711535-C

*[365] Plaintiff's Motion in Limine Number 4 to Preclude any Reference to Reinsurance Estimates*

08/13/2021



Motion in Limine

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[366] Plaintiff's Motion in Limine Number 6 to Strike Proffered Expert Witness Alan Gray*

08/13/2021



Motion in Limine

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[367] Plaintiff's Motion in Limine Number 7 to Preclude Introduction of Irrelevant Evidence from Receivership Action, Case No. A-12-672047-C*

08/13/2021



Motion for Partial Summary Judgment

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[368] Motion for Partial Summary Judgment as to U.S. RE Corporation*

08/13/2021



Motion for Partial Summary Judgment

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[369] Motion for Partial Summary Judgment as to Uni-ter Defendants' Breach of their Fiduciary Duties*

08/14/2021



Errata

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[370] Errata to Motion for Partial Summary Judgment Regarding Uni-ter Management's Breach of Its Fiduciary Duties*

08/14/2021



Certificate of Service

Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[371] Certificate of Service*

08/16/2021



Clerk's Notice of Hearing

*[372] Notice of Hearing*

08/16/2021



Clerk's Notice of Hearing

*[373] Notice of Hearing*

08/16/2021



Clerk's Notice of Hearing

*[374] Notice of Hearing*

08/17/2021



Order

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[375] Order Granting in Part and Denying in Part Plaintiff's Motion for Declaratory Relief*

08/17/2021



Notice of Entry

*[376] Notice of Entry of Order*

08/18/2021



Opposition to Motion in Limine

Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation

# CASE SUMMARY

CASE NO. A-14-711535-C

*[377] Defendants' Response in Opposition to Plaintiff's Motion in Limine Number 1: To Preclude Sam Hewitt from Providing Expert Testimony Regarding Insolvency Analysis*

08/23/2021



Notice of Change of Hearing

*[378] Notice of Change of Hearing - vacated*

08/23/2021



Discovery Commissioners Report and Recommendations

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[379] Discovery Commissioner s Report and Recommendations*

08/23/2021



Pre-Trial Disclosure

Party: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[380] Plaintiff's Pre-Trial Disclosure Statement Pursuant to NRCp 16.1(a)(3)*

08/25/2021



Reply in Support

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[381] Plaintiff's Reply in Support of Motion for Partial Summary Judgment Regarding the Uni-Ter Defendants' Fiduciary Duties*

08/25/2021



Order Shortening Time

Filed By: Defendant Uni-Ter Underwriting Management Corp

*[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*

08/25/2021



Appendix

Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation

*[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*

08/25/2021



Notice of Entry of Order

Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation

*[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*

08/27/2021



Order

*[385] Order Setting Agenda*

08/27/2021



Opposition to Motion in Limine

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[386] Plaintiff's Opposition to Motion in Limine to Strike and Exclude Testimony of Damages Expert Dr. Mark Kuga, PhD*

08/27/2021



Opposition to Motion in Limine

Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation

*[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*

# CASE SUMMARY

CASE NO. A-14-711535-C

08/27/2021



Opposition to Motion in Limine

Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation

*[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*

08/27/2021



Opposition to Motion in Limine

Filed By: Defendant Uni-Ter Underwriting Management Corp

*[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*

08/27/2021



Opposition to Motion in Limine

Filed By: Defendant Uni-Ter Underwriting Management Corp

*[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*

08/27/2021



Appendix

Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation

*[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*

08/27/2021



Opposition to Motion in Limine

Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation

*[392] Defendants' Response in Opposition to Plaintiff's Motion in Limine Number 6 to Strike Proffered Expert Witness Alan Gray*

08/27/2021



Appendix

Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation

*[393] Appendix of Exhibits to Defendants' Response in Opposition to Plaintiff's Motion in Limine Number 6 to Strike Proffered Expert Witness Alan Gray*

08/27/2021



Opposition to Motion For Summary Judgment

Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation

*[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*

08/27/2021



Opposition to Motion For Summary Judgment

Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation

*[395] Defendant's Opposition to Plaintiff's Motion for Partial Summary Judgment as to U.S. Re Corporation*

08/27/2021



Opposition to Motion in Limine

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[396] Plaintiff's Response to Defendants' Motion in Limine No. 1: To Preclude Mark D. Tharp from Providing Expert Testimony on Impermissible Legal Conclusions*












08/28/2021



Non-Opposition to Request for Exemption

# CASE SUMMARY

CASE NO. A-14-711535-C

	<p>Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  <i>[397] Plaintiff's opposition to motion in limine number 2</i></p>
08/28/2021	<p> Errata            Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  <i>[398] Errata to Plaintiff's Opposition to Defendants' Motion in Limine No. 2</i></p>
08/28/2021	<p> Opposition to Motion in Limine            Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  <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></p>
08/30/2021	<p> Stipulation and Order            Filed by: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation  <i>[400] Stipulation and Order to Extend Deadline Referenced in Discovery Commissioner s August 23, 2021 Report and Recommendations</i></p>
08/30/2021	<p> Notice of Entry of Stipulation and Order            Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation  <i>[401] Notice of Entry of Stipulation and Order to Extend Deadline Reference in Discovery Commissioner's August 23, 2021 Report and Recommendations</i></p>
08/31/2021	<p> Reply in Support  <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></p>
08/31/2021	<p> Acceptance of Service  <i>[403] Acceptance of Service of Subpoena - Volk</i></p>
08/31/2021	<p> Reply in Support  <i>[404] PLAINTIFF S REPLY IN SUPPORT OF MOTION IN LIMINE NUMBER 6 TO STRIKE PROFFERED EXPERT WITNESS ALAN GRAY</i></p>
08/31/2021	<p> Reply            Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  <i>[405] Plaintiff's Reply in Support of Motion for Partial Summary Judgment as to US RE</i></p>
08/31/2021	<p> Reply            Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  <i>[406] Plaintiff's Reply in Support of Motion for Partial Summary Judgment Regarding Uni-ter Management's Breach of Its Fiduciary Duties</i></p>
08/31/2021	<p> Reply            Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  <i>[407] Plaintiff's Reply in Support of Plaintiff's MIL No. 3 Regarding Licensure</i></p>
08/31/2021	<p> Reply</p>

# CASE SUMMARY

CASE NO. A-14-711535-C



	<p>Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  <i>[408] Plaintiff's Reply in Support of Motion in Limine No. 5 to Limit Speculation about the Economy</i></p>
08/31/2021	<p> Reply</p> <p>Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  <i>[409] Plaintiff's Reply in Support of Motion in Limine No. 4 to Preclude any References to Reinsurance Estimates</i></p>
08/31/2021	<p> Reply</p> <p>Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  <i>[410] Plaintiff's Reply in Support of Motion in Limine No. 1 to Preclude Sam Hewitt from Providing Insolvency Analysis</i></p>
08/31/2021	<p> Opposition</p> <p>Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  <i>[411] Plaintiff's Opposition to Defendants' Objection to the Discovery Commissioner's Report and Recommendation on OST</i></p>
09/01/2021	<p> Stipulation</p> <p>Filed by: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation  <i>[412] Stipulated and Agreed Agenda the Septemeber 2, 2021 Hearing on Pending Motions</i></p>
09/01/2021	<p> Reply</p> <p>Filed by: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation  <i>[413] Reply in Support of Defendants' Objection to the Discovery Commissioner's Report and Recommendations on Order Shortening Time</i></p>
09/01/2021	<p> Reply in Support</p> <p>Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation  <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></p>
09/01/2021	<p> Reply in Support</p> <p>Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation  <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></p>
09/01/2021	<p> Reply in Support</p> <p>Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation  <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></p>
09/02/2021	<p> Miscellaneous Filing</p> <p>Filed by: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation  <i>[417] Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp.,</i></p>



# CASE SUMMARY

CASE NO. A-14-711535-C

*and U.S. Re Corporations' Deposition Transcript Designations*

09/07/2021	 Objection Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[418] Objections to Defendants' Pre-Trial Disclosures</i>
09/08/2021	 Acceptance of Service Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[419] Acceptance of Service of Subpoena</i>
09/11/2021	 Miscellaneous Filing Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[420] Plaintiff's Deposition Transcript Designations</i>
09/14/2021	 Pre-trial Memorandum Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[421] Pretrial Memorandum</i>
09/14/2021	 Pre-trial Memorandum Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[422] Pretrial Memorandum - Part 2 of Exhibits</i>
09/14/2021	 Miscellaneous Filing Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[423] Plaintiff's Supplement to Deposition Transcript Designations</i>
09/16/2021	 Errata Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation <i>[425] Defendant Uni-Ter Underwriting Management Corporation, Defendant Uni-Ter Claims Services Corporation, and Defendant U.S. Re Corporation's Errata to Pretrial Memorandum</i>
09/17/2021	 Recorders Transcript of Hearing <i>[426] Transcript of Proceedings, Pending Motions, Heard on September 2, 2021</i>
09/17/2021	 Notice Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[427] Notice of Submission of Plaintiff's Proposed Voir Dire Questions</i>
09/17/2021	 Request for Judicial Notice Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[428] Request for Judicial Notice</i>
09/18/2021	 Order <i>[429] Discovery Commissioner's Report and Recommendations</i>
09/18/2021	 Order

# CASE SUMMARY

CASE NO. A-14-711535-C

[430] Order to Strike

09/20/2021



Notice of Entry of Order

Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation

[431] Notice of Entry of Order Re: Discovery Commissioner's Report and Recommendations

09/20/2021



Notice of Entry of Order

Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation

[432] Notice of Entry of Order to Strike

09/20/2021



Order Granting Motion

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

[433] Order Granting Plaintiff's Motion In Limine No. 3

09/20/2021



Order Granting Motion

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

[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



Order Denying Motion

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

[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



Order

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

[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



Order

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

[437] Order Granting In Part And Denying In Part Plaintiff's Motion In Limine No. 2

09/20/2021



Order

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

[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



Order Denying Motion

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

[439] Order Denying Defendants Motion In Limine To Strike And Exclude Testimony Of Damages Expert Dr. Mark Kuga, Phd

09/20/2021



Jury List

[490] Jury List











09/21/2021



Notice of Entry

# CASE SUMMARY

CASE NO. A-14-711535-C

	<p>Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  <i>[440] Notice of Entry of Order</i></p>
09/21/2021	<p> Notice of Entry            Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  <i>[441] Notice of Entry of Order</i></p>
09/21/2021	<p> Notice of Entry            Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  <i>[442] Notice of Entry of Order</i></p>
09/21/2021	<p> Notice of Entry            Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  <i>[443] Notice of Entry of Order</i></p>
09/21/2021	<p> Notice of Entry            Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  <i>[444] Notice of Entry of Order</i></p>
09/21/2021	<p> Notice of Entry            Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  <i>[445] Notice of Entry of Order</i></p>
09/21/2021	<p> Notice of Entry            Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  <i>[446] Notice of Entry of Order</i></p>
09/23/2021	<p> Miscellaneous Filing  <i>[447] Plaintiff's Second Supplemental Deposition Transcript Designations</i></p>
09/24/2021	<p> Order Denying Motion  <i>[448] Order Denying Plaintiff's Motion In Limine Number 5 To Limit The Scope Of Expert Witness Testimony Regarding Speculation Concerning The Economy</i></p>
09/24/2021	<p> Order Denying Motion            Filed By: Attorney Garin, Joseph P; Attorney Ogilvie, George F., III; Third Party Plaintiff Chur, Robert; Third Party Plaintiff Fogg, Steve; Third Party Plaintiff Garber, Mark; Third Party Plaintiff Harter, Carol; Third Party Plaintiff Hurlbut, Robert; Third Party Plaintiff Lumpkin, Barbara; Third Party Plaintiff Marshall, Jeff; Third Party Plaintiff Stickels, Eric; Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation  <i>[449] Order Denying Plaintiff's Motion In Limine Number 4: To Preclude Any Reference To Reinsurance Estimates</i></p>
09/24/2021	<p> Order Denying Motion            Filed By: Attorney Garin, Joseph P; Attorney Ogilvie, George F., III; Third Party Plaintiff Chur, Robert; Third Party Plaintiff Fogg, Steve; Third Party Plaintiff Garber, Mark; Third Party Plaintiff Harter, Carol; Third Party Plaintiff Hurlbut, Robert; Third Party Plaintiff Lumpkin, Barbara; Third Party Plaintiff Marshall, Jeff; Third Party Plaintiff Stickels, Eric; Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims</p>

# CASE SUMMARY

CASE NO. A-14-711535-C

Services Corp; Defendant U S Re Corporation

*[450] Order Denying Plaintiff's Motion In Limine Number 1 To Preclude Sam Hewitt From Providing Expert Testimony Regarding Insolvency Analysis*

09/24/2021



Order Denying Motion

Filed By: Attorney Garin, Joseph P; Attorney Ogilvie, George F., III; Third Party Plaintiff Chur, Robert; Third Party Plaintiff Fogg, Steve; Third Party Plaintiff Garber, Mark; Third Party Plaintiff Harter, Carol; Third Party Plaintiff Hurlbut, Robert; Third Party Plaintiff Lumpkin, Barbara; Third Party Plaintiff Marshall, Jeff; Third Party Plaintiff Stickels, Eric; Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation

*[451] Order Denying Plaintiff's Motion In Limine Number 6 To Strike Proffered Expert Witness Alan Gray*

09/25/2021



Miscellaneous Filing

Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[452] Plaintiff's Third Supplemental Deposition Transcript Designations*

09/26/2021



Request

Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[453] Request for Ruling Regarding Objections to Plaintiff's Designations of Deposition Testimony*

09/27/2021



Order Denying Motion

Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation

*[454] Order Denying Plaintiff's Motion For Partial Summary Judgment Regarding Uni-Ter Defendants Breach Of Their Fiduciary Duties*

09/27/2021



Request

Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[455] Request for Ruling Regarding Objections to Plaintiff's Designations of Deposition Testimony*

09/29/2021



Request

Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[456] Request for Judicial Notice*

09/30/2021



Supplemental

Filed by: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation

*[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



Notice of Entry of Order

Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation

*[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



Notice of Entry of Order








Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation

*[459] Notice of Entry of Order Denying Plaintiff's Motion in Limine No. 4: To Preclude any*

# CASE SUMMARY

CASE NO. A-14-711535-C

*Reference to Reinsurance Estimates*

09/30/2021	 Notice of Entry of Order Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation <i>[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</i>
09/30/2021	 Notice of Entry of Order Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation <i>[461] Notice of Entry of Order Denying Plaintiff's Motion in Limine Number 6 to Strike Proffered Expert Witness Alan Gray</i>
09/30/2021	 Notice of Entry of Order Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation <i>[462] Notice of Entry of Order Denying Plaintiff's Motion for Partial Summary Judgment Regarding Uni-Ter Defendants' Breach of Their Fiduciary Duties</i>
10/01/2021	 Recorders Transcript of Hearing <i>[463] Partial Transcript of Proceedings, Jury Trial Testimony of Mark D. Tharp, Heard on September 28, 2021</i>
10/04/2021	 Recorders Transcript of Hearing <i>[464] Partial Transcript of Proceedings, Jury Trial - Opening Statements, Heard on September, 21, 2021</i>
10/04/2021	 Recorders Transcript of Hearing <i>[465] Transcript of Proceedings, Jury Trial - Day 9, Heard on October 1, 2021</i>
10/04/2021	 Miscellaneous Filing Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[466] Plaintiff's Fourth Supplemental Deposition Transcript Designations</i>
10/05/2021	 Supplemental Filed by: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation <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	 Recorders Transcript of Hearing <i>[468] Transcript of Proceedings, Jury Trial - Day 10, Heard on October 5, 2021</i>
10/07/2021	 Jury List <i>[469] Amended Jury List</i>
10/07/2021	 Supplemental Filed by: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation <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	 Recorders Transcript of Hearing <i>[471] Partial Transcript of Proceedings, Jury Trial - Direct Examination of Christine Sterling,</i>

# CASE SUMMARY















CASE NO. A-14-711535-C

*Heard on September 22, 2021*

10/07/2021	 <b>Recorders Transcript of Hearing</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</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</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</b> Filed by: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation <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</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</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</b> Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[478] Plaintiff's Fifth Supplement to Deposition Transcript Designations</i>
10/13/2021	 <b>Supplement</b> Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[479] Plaintiff's Fifth Supplemental Deposition Transcript Designations</i>
10/13/2021	 <b>Order Granting Motion</b> Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[480] Order Granting Plaintiff's Requests for Judicial Notice</i>
10/14/2021	 <b>Jury Instructions</b> Party: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[481] Plaintiff's Proposed Jury Instructions</i>
10/14/2021	 <b>Jury Instructions</b> <i>[482] PLAINTIFF S PROPOSED JURY INSTRUCTIONS WITH CITATIONS</i>
10/14/2021	 <b>Recorders Transcript of Hearing</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>


# CASE SUMMARY

CASE NO. A-14-711535-C

10/14/2021	 Jury Instructions Party: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[484] Plaintiff's Proposed Jury Instructions with Citations</i>
10/14/2021	 Jury Instructions Party: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[485] Plaintiff's Proposed Jury Instructions with Citations</i>
10/14/2021	 Jury Instructions <i>[486] Plaintiff's Proposed Jury Instructions</i>
10/14/2021	 Jury Instructions <i>[487] PLAINTIFF S FINAL PROPOSED JURY INSTRUCTIONS WITH CITATIONS</i>
10/14/2021	 Amended Jury List <i>[489] 2nd Amended Jury List</i>
10/14/2021	 Verdict <i>[491] Verdict Form</i>
10/14/2021	 Jury Instructions <i>[492] Jury Instructions</i>
10/15/2021	 Notice of Entry Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[488] Notice of Entry of Order</i>
10/28/2021	 Stipulation and Order <i>[493] Stipulation and Order to Extend Deadline to Submit Draft Judgment</i>
11/01/2021	 Order Shortening Time Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[494] Motion For Order Extending Time For Plaintiff To File Memorandum Of Costs On Order Shortening Time</i>
11/02/2021	 Notice of Hearing <i>[495] Notice of Hearing</i>
11/03/2021	 Notice of Entry Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[496] Notice of Entry of Order</i>
11/08/2021	 Stipulation and Order Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[497] Stipulation and Order to Extend Deadline to Submit Draft Judgment Memorandum of Costs and Motion to Retax</i>
11/10/2021	 Order Shortening Time

# CASE SUMMARY














CASE NO. A-14-711535-C

	<p>Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation  <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></p>
11/12/2021	<p> Notice of Hearing  <i>[499] Notice of Hearing</i></p>
11/18/2021	<p> Notice of Entry  <i>[500] Notice of Entry of Order</i></p>
11/23/2021	<p> Opposition to Motion  <p>Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  <i>[501] Plaintiff's Opposition to Defendants' Motion for Order to Exclude Interest Accrued During Stay Periods</i></p> </p>
12/15/2021	<p> Order Granting Motion  <i>[502] Order Granting Motion to Exclude Interest, 12.15.21</i></p>
12/16/2021	<p> Notice of Entry of Order  <p>Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation  <i>[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</i></p> </p>
12/30/2021	<p> Judgment on Jury Verdict  <i>[504] Judgment on Jury Verdict</i></p>
01/06/2022	<p> Notice of Withdrawal of Attorney  <p>Filed by: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation  <i>[505] Notice of Withdrawal of Counsel</i></p> </p>
01/10/2022	<p> Recorders Transcript of Hearing  <i>[506] Partial Transcript of Proceedings, Jury Trial - Day 2, Heard on September 21, 2021</i></p>
01/10/2022	<p> Recorders Transcript of Hearing  <i>[507] Partial Transcript of Proceedings, Jury Trial - Day 3, Heard on September 22, 2021</i></p>
01/10/2022	<p> Recorders Transcript of Hearing  <i>[508] Partial Transcript of Proceedings, Jury Trial - Day 4, Heard on September 23, 2021</i></p>
01/10/2022	<p> Recorders Transcript of Hearing  <i>[509] Partial Transcript of Proceedings, Jury Trial - Day 5, Heard on September 24, 2021</i></p>
01/10/2022	<p> Recorders Transcript of Hearing  <i>[510] Partial Transcript of Proceedings, Jury Trial - Day 6, Heard on September 27, 2021</i></p>
01/13/2022	<p> Notice of Entry of Order  <p>Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark  <i>[511] Notice of Entry of Order</i></p> </p>



# CASE SUMMARY

CASE NO. A-14-711535-C

01/24/2022	 Application for Examination of Judgment Debtor Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[512] Ex Parte Applicatin for Judgment Debtor Examination</i>
02/03/2022	 Order for Judgment Debtor Examination <i>[513] Order for Judgment Debtor Examination</i>
02/03/2022	 Motion for Attorney Fees and Costs Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[514] Motion for Attorney Fees and Costs</i>
02/04/2022	 Clerk's Notice of Hearing <i>[515] Notice of Hearing</i>
02/07/2022	 Notice of Entry <i>[516] Notice of Entry of Order</i>
02/09/2022	 Notice of Change of Address Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation <i>[517] Notice of Change of Address</i>
02/10/2022	 Motion to Amend Judgment Filed By: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation <i>[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)</i>
02/10/2022	 Motion to Amend Judgment Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[519] Plaintiff's Motion to Alter or Amend Judgment Pursuant to NRCP 59</i>
02/11/2022	 Clerk's Notice of Hearing <i>[520] Notice of Hearing</i>
02/11/2022	 Clerk's Notice of Hearing <i>[521] Notice of Hearing</i>
02/12/2022	 Memorandum of Costs and Disbursements Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[522] Plaintiff's Verified Memorandum of Costs</i>
02/12/2022	 Exhibits Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[523] Part II of Exhibits to Plaintiff's Verified Memorandum of Costs</i>
02/14/2022	 Notice of Withdrawal of Attorney Filed by: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation

# CASE SUMMARY

CASE NO. A-14-711535-C

*[524] Notice of Withdrawal of Counsel for Defendants Uni-Ter Underwriting Management Corp. and Uni-Ter Claims Services Corp.*

02/14/2022



Notice of Withdrawal of Attorney

Filed by: Defendant Uni-Ter Underwriting Management Corp; Defendant Uni-Ter Claims Services Corp; Defendant U S Re Corporation

*[525] Notice of Withdrawal of Counsel for Defendants Uni-Ter Underwriting Management Corp. and Uni-Ter Claims Services Corp.*

02/14/2022



Errata

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[526] Errata to Plaintiff's Verified Memorandum of Costs*

02/14/2022



Exhibits

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[527] Part IV of Exhibits Errata to Plaintiff's Verified Memorandum of Costs*

02/14/2022



Exhibits

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[528] Part V of Exhibits Errata to Plaintiff's Verified Memorandum of Costs*

02/14/2022



Notice of Appeal

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[529] Notice of Appeal*

02/15/2022



Exhibits

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[530] Exhibits to Plaintiff's Verified Memorandum of Costs (Part 3-A)*

02/15/2022



Exhibits

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[531] Exhibits to Plaintiff's Verified Memorandum of Costs (Part 3-B)*

02/15/2022



Exhibits

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[532] Exhibits to Plaintiff's Verified Memorandum of Costs (Part 3-C)*

02/15/2022



Exhibits

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[533] Exhibits to Plaintiff's Verified Memorandum of Costs (Part 3-D)*

02/17/2022



Stipulation and Order

*[534] Stipulation and Order to Extend Response Deadline and Continue Hearing, 2.17.22*

02/17/2022



Notice of Entry of Stipulation and Order

Filed By: Defendant U S Re Corporation

*[535] Notice of Entry of Stipulation and Order to Extend Response Deadline and Continue Hearing*

# CASE SUMMARY

CASE NO. A-14-711535-C

02/24/2022



Stipulation and Order

Filed by: Defendant U S Re Corporation

*[536] Stipulation and Order to Extend Response Deadlines and Continue Hearing*

02/25/2022



Notice of Appeal

Filed By: Third Party Plaintiff Chur, Robert; Third Party Plaintiff Fogg, Steve; Third Party Plaintiff Garber, Mark; Third Party Plaintiff Harter, Carol; Third Party Plaintiff Hurlbut, Robert; Third Party Plaintiff Lumpkin, Barbara; Third Party Plaintiff Marshall, Jeff; Third Party Plaintiff Stickels, Eric

*[537] Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Notice of Appeal*

02/25/2022



Case Appeal Statement

Filed By: Third Party Plaintiff Chur, Robert; Third Party Plaintiff Fogg, Steve; Third Party Plaintiff Garber, Mark; Third Party Plaintiff Harter, Carol; Third Party Plaintiff Hurlbut, Robert; Third Party Plaintiff Lumpkin, Barbara; Third Party Plaintiff Marshall, Jeff; Third Party Plaintiff Stickels, Eric

*[538] Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Case Appeal Statement*

02/28/2022



Notice of Entry of Stipulation and Order

Filed By: Defendant U S Re Corporation

*[539] Notice of Entry of Stipulation and Order to Extend Response Deadlines and Continue Hearing*

03/03/2022



Notice

Filed By: Defendant U S Re Corporation

*[540] Notice of Change of Address*

03/03/2022



Stipulation and Order

Filed by: Defendant U S Re Corporation

*[541] Stipulation and Order to Extend Response Deadline and Continue Hearing (Second Request) 030322*

03/03/2022



Notice of Entry of Stipulation and Order

Filed By: Defendant U S Re Corporation

*[542] Notice of Entry of Stipulation and Order to Extend Response Deadlines and Continue Hearing*

03/07/2022



Stipulation and Order

Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[543] Stipulation And Order To Move Judgment Debtor Examination*

03/10/2022



Notice of Filing Cost Bond

Filed By: Third Party Plaintiff Chur, Robert; Third Party Plaintiff Fogg, Steve; Third Party Plaintiff Garber, Mark; Third Party Plaintiff Harter, Carol; Third Party Plaintiff Hurlbut, Robert; Third Party Plaintiff Lumpkin, Barbara; Third Party Plaintiff Marshall, Jeff; Third Party Plaintiff Stickels, Eric

*[544] Notice of Filing Cost Bond on Appeal*

03/10/2022

















Case Appeal Statement

Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark

*[545] Case Appeal Statement*















# CASE SUMMARY

CASE NO. A-14-711535-C

03/15/2022	 Notice of Entry <i>[546] Notice of Entry of Order</i>
03/15/2022	 Recorders Transcript of Hearing <i>[547] Partial Transcript of Proceedings, Jury Trial - Testimony of Sanford Elsass, Heard on September 27, 2021</i>
03/15/2022	 Recorders Transcript of Hearing <i>[548] Partial Transcript of Proceedings, Jury Trial - Testimony of Richard Decoux, Heard on October 11, 2021</i>
03/15/2022	 Recorders Transcript of Hearing <i>[549] Partial Transcript of Proceedings, Jury Trial - Testimony of Samuel Jackson Hewitt, Heard on October 11, 2021</i>
03/15/2022	 Recorders Transcript of Hearing <i>[550] Partial Transcript of Proceedings, Jury Trial - Testimony of Mark Tharp, Heard on October 12, 2021</i>
03/15/2022	 Recorders Transcript of Hearing <i>[551] Partial Transcript of Proceedings, Jury Trial - Testimony of Dr. Mark Kuga, Heard on October 13, 2021</i>
03/15/2022	 Recorders Transcript of Hearing <i>[552] Partial Transcript of Proceedings, Jury Trial - Verdict, Heard on October 14, 2021</i>
03/16/2022	 Motion to Retax Filed By: Defendant U S Re Corporation <i>[553] Motion to Retax Memorandum of Costs</i>
03/17/2022	 Clerk's Notice of Hearing <i>[554] Notice of Hearing</i>
03/17/2022	 Stipulation and Order <i>[555] Stipulation and Order to Extend Response Deadline and Continue Hearing (Third Request) 031722</i>
03/28/2022	 Stipulation and Order <i>[556] Stipulation And Order Regarding Pending Deadlines And Hearings</i>
03/29/2022	 Notice of Entry <i>[557] Notice of Entry of Order</i>
03/31/2022	 Motion to Amend Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[558] Plaintiff's Motion to Amend Pleadings to Conform them to the Evidence</i>
04/01/2022	 Clerk's Notice of Hearing Party: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[559] Notice of Hearing</i>
05/18/2022	

# CASE SUMMARY














CASE NO. A-14-711535-C

	 Order Granting Motion Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[560] Order Granting Motion To Amend Pleadings To Conform Them To The Evidence</i>
05/19/2022	 Stipulation and Order Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[561] Stipulation and Order Regarding Pending Deadlines and Hearings</i>
05/20/2022	 Notice of Entry <i>[562] Notice of Entry of Order</i>
05/20/2022	 Notice of Entry <i>[563] Notice of Entry of Order</i>
06/08/2022	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>[564] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>
07/05/2022	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>[565] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>
08/24/2022	 Opposition to Motion Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[566] Plaintiff's Opposition to US Re's Motion to Alter or Amend the Judgment and for a Stay of Execution</i>
08/25/2022	 Certificate of Service <i>[567] Certificate of Service</i>
08/26/2022	 Opposition to Motion Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[568] Plaintiff's Opposition to Motion to Retax Memorandum of Costs</i>
08/30/2022	 Court Recorders Invoice for Transcript <i>[569]</i>
09/09/2022	 Court Recorders Invoice for Transcript <i>[570]</i>
09/09/2022	 Recorders Transcript of Hearing <i>[571] Transcript of Proceedings, All Pending Motions, Heard on September 7, 2022</i>
10/07/2022	 Supplement Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[572] Supplement to Errata to Plaintiff's Verified Memorandum of Costs</i>
10/07/2022	 Motion to Seal/Redact Records Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[573] Plaintiff's Motion to File Appendix to Supplement to Motion for Attorneys' Fees and</i>

# CASE SUMMARY








CASE NO. A-14-711535-C

## Costs Under Seal

10/07/2022	 Temporary Seal Pending Court Approval Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[574] Appendix of Exhibits to Supplement to Motion for Attorneys' Fees and Costs</i>
10/07/2022	 Supplement Filed by: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[575] Supplement to Motion for Attorney Fees and Costs</i>
10/18/2022	 Order Granting Motion Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[576] Order Granting Plaintiff's Motion to Alter or Amend Judgment</i>
10/18/2022	 Order Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[577] Order Regarding Attorney Fees and Costs</i>
10/19/2022	 Notice of Entry <i>[578] Notice of Entry of Order</i>
10/19/2022	 Notice of Entry <i>[579] Notice of Entry of Order</i>
10/21/2022	 Order Shortening Time <i>[580] Motion to Dismiss and Enforce Settlement Agreement on OST, 10.18.22</i>
10/31/2022	 Notice of Entry of Order Filed By: Defendant U S Re Corporation <i>[581] Notice of Entry of Order Shortening Time Re: Motion to Dismiss and Enforce Settlement Agreement</i>
11/03/2022	 Clerk's Notice of Nonconforming Document <i>[582] Clerk's Notice of Nonconforming Document</i>
11/04/2022	 Opposition <i>[583] OPPOSITION TO U.S. RES MOTION TO DISMISS AND ENFORCE SETTLEMENT AGREEMENT</i>
11/07/2022	 Clerk's Notice of Nonconforming Document and Curative Action <i>[584] Clerk's Notice of Curative Action</i>
11/08/2022	 Clerk's Notice of Hearing Party: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[585] Notice of Hearing</i>
11/09/2022	 Reply in Support Filed By: Defendant U S Re Corporation <i>[586] Reply in Support of Motion to Dismiss and Enforce Settlement Agreement</i>

# CASE SUMMARY

CASE NO. A-14-711535-C

11/09/2022	 Notice of Appeal Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[587] Notice of Appeal</i>
11/10/2022	 Audiovisual Transmission Equipment Appearance Request <i>[588] NOTICE OF INTENT OF AUDIOVISUAL TRANSMISSION EQUIPMENT APPEARANCE</i>
11/18/2022	 Notice of Appeal Filed By: Plaintiff Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark <i>[589] Amended Notice of Appeal</i>
11/21/2022	 Court Recorders Invoice for Transcript <i>[590] Plaintiff</i>
11/21/2022	 Court Recorders Invoice for Transcript <i>[591] Defendant</i>
11/21/2022	 Notice of Appeal Filed By: Third Party Plaintiff Chur, Robert; Third Party Plaintiff Fogg, Steve; Third Party Plaintiff Garber, Mark; Third Party Plaintiff Harter, Carol; Third Party Plaintiff Hurlbut, Robert; Third Party Plaintiff Lumpkin, Barbara; Third Party Plaintiff Marshall, Jeff; Third Party Plaintiff Stickels, Eric <i>[592] Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Notice of Appeal</i>
11/21/2022	 Case Appeal Statement <i>[593]</i>

## **DISPOSITIONS**



02/25/2016	<b>Order of Dismissal Without Prejudice</b> (Judicial Officer: Allf, Nancy) Debtors: Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark (Plaintiff) 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) Judgment: 02/25/2016, Docketed: 03/03/2016 Comment: Certain Claims
05/04/2016	<b>Order of Dismissal</b> (Judicial Officer: Allf, Nancy) Debtors: U S Re Corporation (Defendant) Creditors: Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark (Plaintiff) Judgment: 05/04/2016, Docketed: 05/12/2016 Comment: Certain Claim
08/13/2020	<b>Judgment</b> (Judicial Officer: Allf, Nancy) Debtors: Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark (Plaintiff) 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) Judgment: 08/13/2020, Docketed: 08/14/2020

# CASE SUMMARY

CASE NO. A-14-711535-C

09/20/2021	<p><b>Partial Summary Judgment</b> (Judicial Officer: Allf, Nancy)  Debtors: U S Re Corporation (Defendant)  Creditors: Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark (Plaintiff)  Judgment: 09/20/2021, Docketed: 09/21/2021</p>
10/14/2021	<p><b>Verdict</b> (Judicial Officer: Allf, Nancy)  Debtors: Uni-Ter Underwriting Management Corp (Defendant), Uni-Ter Claims Services Corp (Defendant), U S Re Corporation (Defendant)  Creditors: Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark (Plaintiff)  Judgment: 10/14/2021, Docketed: 10/20/2021  Total Judgment: 15,222,853.00</p>
12/30/2021	<p><b>Judgment Upon the Verdict</b> (Judicial Officer: Allf, Nancy)  Debtors: U S Re Corporation (Defendant)  Creditors: Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark (Plaintiff)  Judgment: 12/30/2021, Docketed: 01/20/2022  Total Judgment: 10,482,456.58  Debtors: Uni-Ter Underwriting Management Corp (Defendant)  Creditors: Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark (Plaintiff)  Judgment: 12/30/2021, Docketed: 01/20/2022  Total Judgment: 4,765,300.35  Debtors: Uni-Ter Claims Services Corp (Defendant)  Creditors: Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark (Plaintiff)  Judgment: 12/30/2021, Docketed: 01/20/2022  Total Judgment: 3,812,240.31</p>
06/08/2022	<p><b>Clerk's Certificate</b> (Judicial Officer: Allf, Nancy)  Debtors: Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark (Plaintiff)  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)  Judgment: 06/08/2022, Docketed: 06/19/2022  Comment: Supreme Court No. 84253 Appeal Dismissed</p>
07/05/2022	<p><b>Clerk's Certificate</b> (Judicial Officer: Allf, Nancy)  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)  Creditors: Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark (Plaintiff)  Judgment: 07/05/2022, Docketed: 07/05/2022  Comment: Supreme Court No. 84311 Appeal Dismissed</p>

## HEARINGS

01/27/2016	<p> <b>Motion to Dismiss</b> (10:00 AM) (Judicial Officer: Allf, Nancy)  Events: 12/11/2015 Motion to Dismiss  <i>Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Motion to Dismiss</i></p> <p><b>MINUTES</b></p> <p> Motion to Dismiss  Filed By: Third Party Plaintiff Chur, Robert  <i>[24] Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Motion to Dismiss</i></p>
------------	--



# CASE SUMMARY

CASE NO. A-14-711535-C

Granted in Part; Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Motion to Dismiss

Journal Entry Details:

*Arguments by Ms. Ochoa and Mr. Wirthlin regarding the merits of and opposition to the motion. Mr. Ogilvie stated he had nothing to add. Court stated its findings and ORDERED, Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall and Erick Stickels' Motion to Dismiss GRANTED IN PART/DENIED IN PART, as to the first cause of action GRANTED, with 30 days, from entry of the order, leave to amend; as to the second cause of action, if Plaintiffs choose to amend the first cause of action, the second cause of action will proceed. Ms. Ochoa to prepare the order and submit it to counsel for approval.;*

02/19/2016



**Minute Order** (3:00 AM) (Judicial Officer: Allf, Nancy)

*Minute Order: Motino to Associate Counsel set 3/1/2016 GRANTED and VACATED*

Minute Order - No Hearing Held; Minute Order: Motino to Associate Counsel set 3/1/2016 GRANTED and VACATED

Journal Entry Details:

*COURT FINDS after review that Defendants U.S. RE Corporation, Uni-Ter Underwriting Corp., and Uni-Ter Claims Services Corp. filed a Motion to Associate Counsel, Jon M. Wilson, Esq. on January 26, 2016, with a hearing set for Chambers Calendar on March 1, 2016. COURT FURTHER FINDS after review the Motion is in compliance with SCR 42 and all parties have filed Non-Oppositions. COURT ORDERS after review, for good cause appearing and pursuant to EDCR 2.20 (e), failure to file an opposition may be construed as an admission that the motion is meritorious and consent to granting the same, that Defendants U.S. RE Corporation, Uni-Ter Underwriting Corp., and Uni-Ter Claims Services Corp. s Motion to Associate Counsel is GRANTED; Hearing on CHAMBERS CALENDAR on March 1, 2016 is VACATED. An Order has already been provided to the Court. CLERK'S NOTE: A copy of this minute order was faxed to: James L. Wadhams, Esq. (702-692-8099), Joseph P. Garin, Esq. (702-382-1512), and George F. Ogilvie III, Esq. (702-873-9966).;*

02/25/2016

**Motion to Dismiss** (10:30 AM) (Judicial Officer: Allf, Nancy)

Events: 01/22/2016 Motion to Dismiss

*Defendants Uni-Ter Underwriting Management Corp. and Uni-Ter Claims Services Corp.'s Motion to Dismiss*

Continued for Chambers Decision;

02/25/2016

**Motion to Dismiss** (10:30 AM) (Judicial Officer: Allf, Nancy)

Events: 01/22/2016 Motion to Dismiss

*Defendant U.S. RE Corporation's Motion to Dismiss*

Continued for Chambers Decision;

02/25/2016



**All Pending Motions** (10:30 AM) (Judicial Officer: Allf, Nancy)

Matter Heard;

Journal Entry Details:

*DEFENDANTS UNI-TER UNDERWRITING MANAGEMENT CORP. AND UNI-TER CLAIMS SERVICES CORP.'S MOTION TO DISMISS...DEFENDANT U.S. RE CORPORATION'S MOTION TO DISMISS John Wilson, Pro Hac Vice, also present.*

*Arguments by counsel regarding the merits of and oppositions to the pending motions. COURT ORDERED, Defendants Uni-Ter Underwriting Management Corp. and Uni-Ter Claims Services Corp.'s Motion to Dismiss...Defendant U.S. RE Corporation's Motion to Dismiss CONTINUED TO CHAMBERS for Court to review additional case law and provide a written decision, if decision is not ready by continuance then Court will issue a minute order letting counsel know. 3/15/2016 (CHAMBERS) DECISION: DEFENDANTS UNI-TER UNDERWRITING MANAGEMENT CORP. AND UNI-TER CLAIMS SERVICES CORP.'S MOTION TO DISMISS, DEFENDANT U.S. RE CORPORATION'S MOTION TO DISMISS;*

03/01/2016

**CANCELED Motion to Associate Counsel** (3:00 AM) (Judicial Officer: Allf, Nancy)

*Vacated - Previously Decided*

*Motion to Associate Counsel*

03/15/2016



**Decision** (3:00 AM) (Judicial Officer: Allf, Nancy)

03/15/2016, 04/05/2016, 04/19/2016

# CASE SUMMARY

CASE NO. A-14-711535-C

*Decision: Defendants Uni-Ter Underwriting Management Corp. and Uni-Ter Claims Services Corp.'s Motion to Dismiss*

Matter Continued;

Matter Continued;

Matter Continued;

Journal Entry Details:

*COURT FINDS after review two Motions were taken under submission on February 25, 2016:*

*1) Defendants Uni-Ter Underwriting Management Corp. and Uni-Ter Claims Services Corp. s Motion to Dismiss; and 2) Defendant U.S. RE Corporation s Motion to Dismiss. COURT FURTHER FINDS after review a Status Check on Written Decision was set for Chambers Calendar on March 15, 2016 then Continued to April 5, 2016, and then April 19, 2016.*

*COURT ORDERS for good cause appearing and after review, the Hearing on the Status Check on the Decision and Order set for CHAMBERS CALENDAR on April 19, 2016 CONTINUED to CHAMBERS CALENDAR on May 17, 2016. CONTINUED TO.....5/17/2016*

*(CHAMBERS) CLERK'S NOTE: A copy of this minute order was faxed to: James L. Wadhams, Esq. (702-692-8099), Joseph P. Garin, Esq. (702-382-1512), and George F. Ogilvie III, Esq. (702-873-9966).;*

Matter Continued;

Matter Continued;

Matter Continued;

Journal Entry Details:

*COURT FINDS after review two Motions were taken under submission on February 25, 2016:*

*1) Defendants Uni-Ter Underwriting Management Corp. and Uni-Ter Claims Services Corp. s Motion to Dismiss; and 2) Defendant U.S. RE Corporation s Motion to Dismiss. COURT FURTHER FINDS after review a Status Check on Written Decision was set for Chambers Calendar on March 15, 2016 then Continued to April 5, 2016. COURT ORDERS for good*

*cause appearing and after review, the Hearing on the Status Check on the Decision and Order set for CHAMBERS CALENDAR on April 5, 2016 CONTINUED to CHAMBERS CALENDAR on April 19, 2016. CONTINUED TO.....4/19/2016 (CONTINUED) CLERK'S NOTE:*

*A copy of this minute order was faxed to: James L. Wadhams, Esq. (702-692-8099), Joseph P. Garin, Esq. (702-382-1512), and George F. Ogilvie III, Esq. (702-873-9966). ;*

Matter Continued;

Matter Continued;

Matter Continued;

Journal Entry Details:

*COURT FINDS after review two Motions were taken under submission on February 25, 2016:*

*1) Defendants Uni-Ter Underwriting Management Corp. and Uni-Ter Claims Services Corp. s Motion to Dismiss; and 2) Defendant U.S. RE Corporation s Motion to Dismiss. COURT FURTHER FINDS after review a Status Check on Written Decision was set for Chambers Calendar on March 15, 2016. COURT ORDERS for good cause appearing and after review,*

*the Hearing on the Status Check on the Decision and Order set for CHAMBERS CALENDAR on March 15, 2016 CONTINUED to CHAMBERS CALENDAR on April 5, 2016.*

*CONTINUED TO.....4/5/2016 (CHAMBERS) CLERK'S NOTE: A copy of this minute order was faxed to: James L. Wadhams, Esq. (702-692-8099), Joseph P. Garin, Esq. (702-382-1512), and George F. Ogilvie III, Esq. (702-873-9966). ;*

06/14/2016



**Minute Order (3:00 AM)** (Judicial Officer: Allf, Nancy)

Minute Order - No Hearing Held;

Journal Entry Details:

*COURT FINDS after review that on April 1, 2016, Plaintiff filed its First Amended Complaint. COURT FURTHER FINDS after review that on April 18, 2016 Defendants Chur, et al. filed a Motion to Dismiss the First Amended Complaint and the Hearing was set for Motions*

*Calendar on June 16, 2016 at 10:30 a.m. COURT FURTHER FINDS after review that on May 4, 2016 the Court issued a Decision and Order on Defendants Uni-Ter Underwriting Management Corp., et al. s Motion to Dismiss the Original Complaint that it had taken under*

*advisement on February 25, 2016. COURT FURTHER FINDS after review that in the May 4, 2016 Decision and Order the Court gave Plaintiff 30 days from Notice of Entry of Order,*




*which was filed on May 10, 2016, to filed a Second Amended Complaint. COURT FURTHER FINDS after review that Plaintiff filed the Second Amended Complaint on June 13, 2016.*

*COURT FURTHER FINDS after review that none of the parties have addressed the fact that the First Amended Complaint is no longer the operative Complaint and as such is no longer subject to dismissal during the June 16, 2016 Hearing. COURT ORDERS for good cause appearing and after review, the Court will be convening a Telephonic Conference between all parties to discuss how the motions to dismiss will be handled; the Court will be in contact with all parties to determine a mutually convenient time to set the Telephonic Conference. COURT*

# CASE SUMMARY

CASE NO. A-14-711535-C

*FURTHER ORDERS for good cause appearing and after review, the Hearing set for MOTIONS CALENDAR on June 16, 2016 is VACATED subject to being re-set pending the outcome of the discussion during the Telephonic Conference between all parties. CLERK S NOTE: Counsel is to ensure a copy of the forgoing minute order is distributed to all interested parties; additionally, a copy of the foregoing minute order was distributed to the following Service Recipients via Wiznet E-Service: Attorney General's Office Joanna Grigoriev jgrigoriev@ag.nv.gov Nevada Attorney General wiznetfilings@ag.nv.gov Broad and Cassel Jon M. Wilson jwilson@broadandcassel.com Fennemore Craig, P.C. Adrina Harris aharris@fclaw.com Brenoch Wirthlin bwirthli@fclaw.com Cheryl Landis clandis@fclaw.com Karl L. Nielson, Esq. knielson@fclaw.com Lipson, Neilson, Cole, Seltzer & Garin, P.C. Angela T. Nakamura Ochoa aochoa@lipsonneilson.com Joseph P. Garin, Esq. jgarin@lipsonneilson.com Lisa Noltie lnoltie@lipsonneilson.com Renee Rittenhouse rrittenhouse@lipsonneilson.com Susana Nutt snutt@lipsonneilson.com McDonald Carano Wilson LLP CaraMia Gerard cgerard@mcdonaldcarano.com George F. Ogilvie III gogilvie@mcdonaldcarano.com James W. Bradshaw jbradshaw@mcdonaldcarano.com Jeff Riesenmy jriesenmy@mcdonaldcarano.com Kathy Barrett kbarrett@mcdonaldcarano.com Nancy Hoy nhoy@mcdonaldcarano.com Nevada Attorney General Marilyn Millam mmillam@ag.nv.gov Nevada Division of Insurance Terri Verbrugghen verbrug@doi.nv.gov;*

- 06/16/2016 **CANCELED Motion to Dismiss** (10:30 AM) (Judicial Officer: Allf, Nancy)  
*Vacated*  
*Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Motion to Dismiss First Amended Complaint*
- 06/23/2016  **Status Check** (2:30 PM) (Judicial Officer: Allf, Nancy)  
*Status Check: Handling of Motions to Dismiss*  
*Matter Heard;*  
*Journal Entry Details:*  
*All counsel present telephonically. Mr. Wirthlin stated he has filed the second amended complaint and the complaint was intended to address the allegation as to U S Re Corporation. Ms. Ochoa stated she has requested to see a redline copy which would help her determine whether to amend her motion to dismiss or refile it. Mr. Wilson stated he is also getting a redline version of the complaint for the same reason. Upon inquiry by the Court whether there would be any objection to vacating the current motion to dismiss for Defendants to review the redline version of the complaint to determine how to proceed, counsel stated they had no objection. COURT ORDERED, motion to dismiss VACATED. Mr. Ogilvie requested an extension of time to respond to the second complaint. Ms. Ochoa requested the same extension. Mr. Wirthling stipulated to the extensions until July 15, 2016. COURT ORDERED, response will be due on or by July 15, 2016. ;*
- 09/15/2016 **Motion to Dismiss** (10:30 AM) (Judicial Officer: Allf, Nancy)  
*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*  
*Denied;*
- 09/15/2016 **Motion to Dismiss** (10:30 AM) (Judicial Officer: Allf, Nancy)  
*Defendant Uni-Ter Underwriting Management Corp.'s Motion to Dismiss Negligent Misrepresentation Claim of Third Party Complaint*  
*Denied;*
- 09/15/2016  **All Pending Motions** (10:30 AM) (Judicial Officer: Allf, Nancy)  
*Matter Heard;*  
*Journal Entry Details:*  
*Arguments by counsel regarding the merits of and opposition to the pending motions. Court stated its findings and ORDERED, 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 DENIED, Defendant Uni-Ter Underwriting Management Corp.'s Motion to Dismiss Negligent Misrepresentation Claim of Third Party Complaint DENIED. Mr. Wirthlin to prepare the orders and submit them to opposing counsel for approval as to form.;*
- 02/28/2017  **Discovery Conference** (9:30 AM) (Judicial Officer: Bulla, Bonnie)  
*COURT CALL - Discovery Conference*

# CASE SUMMARY

CASE NO. A-14-711535-C

Scheduling Order Will Issue;

Journal Entry Details:

*Mr. Ogilvie stated co-counsel on Court Call had a medical issue and could not be present. Colloquy re: dates. Counsel anticipate four weeks for trial re: Breach of fiduciary duty; no Settlement Conference requested. COMMISSIONER RECOMMENDED, discovery cutoff is 1/31/18; adding parties, amended pleadings, and initial expert disclosures DUE 9/29/17; Defts' initial expert disclosures DUE 10/30/17; rebuttal expert disclosures DUE 11/30/17; FILE dispositive motions by 3/1/18. Scheduling Order will issue.;*

08/01/2017



**Motion to Associate Counsel** (3:00 AM) (Judicial Officer: Allf, Nancy)

*Deft's Motion to Associate Counsel*

Granted;

Journal Entry Details:

*COURT FINDS after review that Defendants U.S. RE Corporation, Uni-Ter Underwriting management Corp., and Uni-Ter Claims Services Corp. filed a Motion to Associate Counsel (Kimberly J. Freedman) ( Motion ) on June 29, 2017 and the matter was set for Chambers Calendar on August 1, 2017. COURT FURTHER FINDS after review the Motion seeks to associate Kimberly J. Freedman, Esq. of the law firm of Broad and Cassel LLP; the Motion is in compliance with SCR 42 and no opposition has been filed. COURT ORDERS for good cause appearing and after review Defendants U.S. RE Corporation, Uni-Ter Underwriting management Corp., and Uni-Ter Claims Services Corp. s Motion to Associate Counsel (Kimberly J. Freedman) is GRANTED; the Court has reviewed the Motion, which provides for cause for the Granting of this Motion; Hearing on MOTIONS CALENDAR on August 1, 2017 is VACATED; Movant to submit the Order. CLERK'S NOTE: A copy of this minute order was faxed to: McDonald Carano LLP (702-873-9966), Lipson, Neilson, Cole, Seltzer & Garin, P.C. (702-382-1512), and Fennemore Craig, P.C. (702-692-8099);*

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*

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*

Granted; 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

Journal Entry Details:

*Erin Kolmansberger, Esquire, for U.S. Re Corporation and Uni-Ter Defts (Pro Hac Vice application pending); Jonathan Wong, Esquire, for Director Defts. Commissioner questioned why this matter isn't before Judge Gonzalez. Mr. Wirthlin stated the Receiver stepped in when Uni-Ter went under (Managers and Brokers for Lewis and Clark); Claimants and policy holders had their policies canceled / denied because Lewis and Clark became insolvent. The action in front of Judge Gonzalez is the precursor action to the instant action. Upon Commissioner's inquiry, Mr. Wirthlin state this case involves claims the Receiver has on behalf of Lewis and Clark against Uni-Ter, the Management Company, for breach of fiduciary duty, U.S. Re, the Broker for Re Insurance, and the Director Defts. Mr. Wirthlin confirmed the case involves wasting of assets as well. If there is a problem with documentation productions related to Receivership and the Orders Judge Gonzalez implemented, Commissioner stated it must go back to Judge Gonzalez. Colloquy re: questions to the 30(b)(6) Deponent. Counsel must decide the purpose of the deposition. Mr. Wirthlin requested from 2006, but he would be ok with 2008 processes and document retention and servers going forward. COMMISSIONER RECOMMENDED, Amend the 30(b)(6) deposition notice; 1 and 2 are PROTECTED, for problems, go back to the Court handling the Receivership; 3 - before the Receivership was filed; 4 - if you have missing information you want, go back to Judge Gonzalez; counsel can ask about a specific document you found out about later. Mr. Wirthlin addressed two document dumps. Ask where emails were stored. COMMISSIONER RECOMMENDED, no problem with 5; 6 - if you want to modify for prior to the Receivership action; 7 - Commissioner is ok with modifications (make relevant to the current case). Contact Commissioner by conference call during the deposition if necessary. COMMISSIONER RECOMMENDED, 7 and 8 were modified; 9 is PROTECTED; how they complied with the Receivership Orders must be eliminated. COMMISSIONER RECOMMENDED, motion is GRANTED within parameters; Mr. Ogilvie has 30 days from the date they received the*

# CASE SUMMARY

CASE NO. A-14-711535-C

	<p><i>amended 30(b)(6) notice to prepare and produce someone for deposition. Commissioner suggested the end of October. Mr. Wirthlin will coordinate with the Attorney General's Office and notice a deposition in the other case; take concurrent depositions if Judge Gonzalez and Judge Alf agree (two separate deposition on the same day). COMMISSIONER RECOMMENDED, the 30(b)(6) depositions must be taken, but limited as set forth by Commissioner. Commissioner Is Not Waiving the 15 days notice and three days for mailing or e-service unless counsel agree. Commissioner will stand by counsels' agreement. Mr. Ogilvie to prepare the Report and Recommendations, and Mr. Wirthlin to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Commissioner advised counsel to read the Proposed Rules on the Supreme Court website, and let the Supreme Court know if there are problems.;</i></p>
10/03/2018	<p><b>CANCELED Motion</b> (9:00 AM) (Judicial Officer: Alf, Nancy)  <i>Vacated - Duplicate Entry</i>  <i>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</i></p>
10/03/2018	<p><b>CANCELED Motion</b> (9:00 AM) (Judicial Officer: Alf, Nancy)  <i>Vacated - Set in Error</i>  <i>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</i></p>
10/04/2018	<p><b>CANCELED Pretrial/Calendar Call</b> (10:31 AM) (Judicial Officer: Alf, Nancy)  <i>Vacated - per Stipulation and Order</i></p>
10/08/2018	<p><b>CANCELED Jury Trial</b> (10:30 AM) (Judicial Officer: Alf, Nancy)  <i>Vacated - per Stipulation and Order</i></p>
10/11/2018	<p><b>Motion for Judgment</b> (9:30 AM) (Judicial Officer: Alf, Nancy)  <i>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)</i>            Denied;</p>
10/11/2018	<p><b>Opposition and Countermotion</b> (9:30 AM) (Judicial Officer: Alf, Nancy)  <i>Plaintiff's (1) Opposition to Director Defendants' Motion for Judgment on the Pleadings and (2) Countermotion for Summary Judgment as to Liability Only</i>            Stricken;</p>
10/11/2018	<p><b>Motion to Strike</b> (9:30 AM) (Judicial Officer: Alf, Nancy)  <i>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</i>            Granted;</p>
10/11/2018	<p> <b>All Pending Motions</b> (9:30 AM) (Judicial Officer: Alf, Nancy)            Matter Heard;            Journal Entry Details:    <i>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 PLAINTIFF'S (1) OPPOSITION TO DIRECTOR DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS AND (2) COUNTERMOTION FOR SUMMARY JUDGMENT AS TO LIABILITY ONLY 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) Arguments by Ms. Nakamura and Mr. Cereghino regarding the merits of and opposition to the motion to strike. Court stated its findings and ORDERED, 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 GRANTED. Ms. Nakamura to prepare the order and submit it to opposing counsel for approval. COURT FURTHER ORDERED, Plaintiff's (1) Opposition to Director Defendants' Motion for Judgment on the Pleadings and (2) Countermotion for Summary</i></p>


# CASE SUMMARY

CASE NO. A-14-711535-C


*Judgment as to Liability Only STRICKEN and OFF CALENDAR. Arguments by Ms. Nakamura and Mr. Wirthlin regarding the merits of and opposition to the motion for judgment. Court stated its findings and ORDERED, 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) DENIED. Plaintiff's counsel to prepare the order and submit it to opposing counsel. Upon inquiry of Court regarding if a settlement conference would help parties, Mr. Wirthlin stated he is open to whatever Defendant wants to address and they have done mediation in which they were not able to resolve the matter. Upon further inquiry of Court regarding if there is any opposition to the Motion to Associate Counsel set on October 16, 2018, Mr. Wirthlin and Ms. Nakamura stated they did not oppose it. COURT ORDERED, Motion to Association Counsel Erin Kolmansberger GRANTED and VACATED from the October 16, 2018 chambers calendar.;*

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

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

12/27/2018  **Motion** (9:30 AM) (Judicial Officer: Allf, Nancy)  
*Plaintiff's Motion for Extension of Discovery Deadlines and to Continue Trial on an Order Shortening Time*  
*Granted in Part;*  
*Journal Entry Details:*  
*Arguments by Mr. Wirthlin and Ms. Ochoa regarding the merits of and opposition of the motion. Colloquy regarding the five year rule. Mr. Wirthlin requested a firm setting in November 2019. Court stated it would give an additional sixty days on t discovery and set a firm trial day, however, there will be no more extensions. Upon inquiry of the Court regarding time need for trial, Mr. Wirthlin stated it should be two to three weeks. Ms. Ochoa stated three weeks would be fine. Court directed counsel to provide their availability in October, November, and December for three weeks of trial to Court's Judicial Executive Assistant by January 9, 2019. COURT ORDERED, Plaintiff's Motion for Extension of Discovery Deadlines and to Continue Trial on an Order Shortening Time GRANTED IN PART, DENIED IN PART; extension of discovery will be for sixty days and a firm trial will be set. Court directed counsel to provide their availability in October, November, and December for three weeks of trial to Court's Judicial Executive Assistant by January 9, 2019. Mr. Wirthlin to prepare the order and submit it to opposing counsel for approval.;*

12/27/2018 **CANCELED Motion to Extend Discovery** (9:30 AM) (Judicial Officer: Allf, Nancy)  
*Vacated - Duplicate Entry*  
*Plaintiff's Motion for Extension of Discovery Deadlines and to Continue Trial on Order Shortening Time (Fourth Request)*





01/04/2019  **Minute Order** (3:00 AM) (Judicial Officer: Allf, Nancy)  
*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*  
*Minute Order - No Hearing Held; 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*  
*Journal Entry Details:*  
*On December 3, 2019, Request for Hearing on Defendant's Motion for Reconsideration was filed and set for January 3, 2019. On December 17, 2019 a request was made to continue the hearing to January 10, 2019 and matter was continued. On December 27, 2018 Plaintiff's Opposition to Director Defendants' Motion for Reconsideration and Countermotion for Attorney's Fees was filed and set for January 10, 2019. As Court is unavailable on January 10, 2019, COURT ORDERED, motion and countermotion CONTINUED to January 9, 2019 at 9:00 a.m. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 1/4/2019 ;*

01/08/2019 **CANCELED Motion For Reconsideration** (3:00 AM) (Judicial Officer: Allf, Nancy)

# CASE SUMMARY






CASE NO. A-14-711535-C

*Vacated - Duplicate Entry*

01/09/2019	<p><b>Motion For Reconsideration</b> (9:00 AM) (Judicial Officer: Allf, Nancy)  <i>Request for Hearing on Defendant's Motion for Reconsideration</i>  Denied;</p>
01/09/2019	<p><b>Opposition and Countermotion</b> (9:00 AM) (Judicial Officer: Allf, Nancy)  <i>Plaintiff's Opposition to Director Defendants' Motion for Reconsideration and Countermotion for Attorney's Fees</i>  Denied;</p>
01/09/2019	<p> <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Allf, Nancy)</p> <p><b>MINUTES</b>  Matter Heard;  Journal Entry Details:  <b>PLAINTIFF'S OPPOSITION TO DIRECTOR DEFENDANTS' MOTION FOR RECONSIDERATION AND COUNTERMOTION FOR ATTORNEY'S FEES...REQUEST FOR HEARING ON DEFENDANT'S MOTION FOR RECONSIDERATION</b> Arguments by Mr. Peek and Mr. Wirthlin regarding the merits of and opposition to the pending motions. <b>COURT ORDERED</b>, 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 <b>TAKEN UNDER ADVISEMENT</b>, court will consider the merits and write a decision. <b>COURT ORDERED</b>, status check for decision <b>SET</b> on chambers calendar 1/29/2019 <b>CHAMBERS DECISION: PLAINTIFF'S OPPOSITION TO DIRECTOR DEFENDANTS' MOTION FOR RECONSIDERATION AND COUNTERMOTION FOR ATTORNEY'S FEES; REQUEST FOR HEARING ON DEFENDANT'S MOTION FOR RECONSIDERATION;</b></p> <p><b>SCHEDULED HEARINGS</b></p> <p> <b>Decision</b> (01/29/2019 at 3:00 AM) (Judicial Officer: Allf, Nancy)  <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></p>
01/24/2019	<p> <b>Motion</b> (9:30 AM) (Judicial Officer: Allf, Nancy)  <i>Plaintiffs Motion for Substitution of Deceased Party Pursuant to NRCP 25(a)</i>  Denied;  Journal Entry Details:  <i>Mr. Wirthlin noted that the death certificate of Ms. Lumpkin did not have a redacted social security number. Court directed counsel to submit an ex-parte application and order to redact or seal, submit it to all parties, and court will enter the order. Arguments by Mr. Wirthlin and Ms. Ochoa regarding the merits and opposition to the motion. Court stated its findings and ORDERED. Plaintiffs Motion for Substitution of Deceased Party Pursuant to NRCP 25(a) DENIED. Ms. Ochoa to prepare the order and submit it to opposing counsel for approval.;</i></p>
01/29/2019	<p> <b>Decision</b> (3:00 AM) (Judicial Officer: Allf, Nancy)  <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>  Matter Continued;  Journal Entry Details:  <b>COURT FINDS</b> after review that on November 29, 2018 Plaintiff's Motion for Reconsideration ( Motion ) was filed with the Court and the matter was set for hearing before the Court on January 9, 2019. <b>COURT FURTHER FINDS</b> after review that the Court heard oral arguments on the Motion on January 9, 2019. The Court took the matter under submission and set a Status Check for January 29, 2019 on Chambers Calendar for the Court to issue its decision. <b>COURT ORDERS</b> for good cause appearing and after review the date set for the Court to issue a Decision on the Motion is hereby <b>CONTINUED</b> to February 5, 2019; the Court will either release a Decision by February 5, 2019 at 5:00 p.m., or provide a prospective future date to expect it. <b>CONTINUED TO: 2/5/2019 (CHAMBERS) CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File &amp; Serve. /nm 1/30/2019;</b></p>

# CASE SUMMARY

CASE NO. A-14-711535-C

03/07/2019	<b>CANCELED Pretrial/Calendar Call</b> (10:31 AM) (Judicial Officer: Allf, Nancy) <i>Vacated - per Stipulation and Order</i>
03/08/2019	 <b>Telephonic Conference</b> (3:15 PM) (Judicial Officer: Allf, Nancy) Matter Heard; Journal Entry Details: <i>Colloquy regarding a stay of discovery deadlines. COURT ORDERED, request by letter for stay DENIED, however, Court will set it for hearing and Court will not stay the deposition next week. Colloquy regarding hearing date. Court stated the Motion to Stay proceedings will remain on the March 14, 2019 calendar at 10:00 a.m. and the request for extension of all deadlines will be heard at that time. Court directed counsel that they may provide additional briefings, oppositions will be due by 5:00 p.m. on March 12, 2019 and replies will be due by 5:00 p.m. March 13, 2019.;</i>
03/11/2019	<b>CANCELED Jury Trial</b> (10:30 AM) (Judicial Officer: Allf, Nancy) <i>Vacated - per Stipulation and Order</i>
03/14/2019	 <b>Motion to Stay</b> (10:00 AM) (Judicial Officer: Allf, Nancy) <i>Defendants' Motion to Stay Proceedings Pending Petition for Writ of Mandamus on an Order Shortening Time</i>  <b>MINUTES</b> Granted; Defendants' Motion to Stay Proceedings Pending Petition for Writ of Mandamus on an Order Shortening Time Journal Entry Details: <i>Erin Kolmansberger present telephonically. Mr. Peek submitted on the pleadings. Arguments by Mr. Ogilvie and Mr. Cereghino. COURT ORDERED, Defendants' Motion to Stay Proceedings Pending Petition for Writ of Mandamus on an Order Shortening Time GRANTED, matter SET for status check, and parties to provide an update no later than May 10, 2019. Mr. Peek to prepare the order and submit to opposing counsel for approval as to form. 5/14/2019 (CHAMBERS) STATUS CHECK ;</i>  <b>SCHEDULED HEARINGS</b>  <b>Status Check</b> (09/17/2019 at 3:00 AM) (Judicial Officer: Allf, Nancy) <b>09/17/2019, 11/19/2019, 01/21/2020, 03/24/2020, 06/18/2020</b> <i>Status Check:</i>
05/15/2019	 <b>Minute Order</b> (2:30 PM) (Judicial Officer: Allf, Nancy) Minute Order - No Hearing Held; Journal Entry Details: <i>A711535; Commissioner v. Chur; Status Check re Stay; 5/14/19 COURT FINDS after review that on April 4, 2019, the Order Granting Motion to Stay Proceedings Pending Petition for Writ of Mandamus was filed with the Court wherein the Court ordered all proceedings in the matter stayed. The Court set a Status Check for May 14, 2019 on Chambers Calendar regarding the status of the Petition for Writ of Mandamus. COURT FURTHER FINDS after review that on May 8, 2019 the Director Defendants Status Report Regarding Petition for Writ of Mandamus was filed with the Court indicating that the Director Defendants filed their Petition with the Nevada Supreme Court on March 13, 2019 and have received no notice of any update as to the status of the Petition or the Nevada Supreme Court's consideration of the Petition. COURT ORDERS for good cause appearing and after review that the Status Check set for May 14, 2019 on Chambers Calendar is hereby CONTINUED to June 25, 2019 on Chambers Calendar. The Director Defendants are directed to file a Status Report regarding the status of the Petition on or before June 21, 2019. CLERK'S NOTE: This Minute Order was electronically served by Court Clerk, P. Irby, to all registered parties for Odyssey File &amp; Serve./pi (5-16-19);</i>
06/13/2019	 <b>Status Check</b> (9:30 AM) (Judicial Officer: Cherry, Michael A.) Set Status Check; Journal Entry Details: <i>Mr. Wirthlin stated previous status checks had been removed and he did not have anything to add. Regarding the matter in the Supreme Court, Mr. Wirthlin stated they have filed their</i>



# CASE SUMMARY

CASE NO. A-14-711535-C

*responsive brief and the opposition has two weeks to file their reply. COURT ORDERED, matter SET for status check in sixty days, status reports to be filed prior to hearing. 8/15/2019 9:30 AM STATUS CHECK;*

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*

Denied;

Journal Entry Details:

*Arguments by counsel regarding the merits of and opposition to the motion. COURT ORDERED, Plaintiff's Motion to Lift Stay or Alternatively Grant Plaintiff Other Relief on Order Shortening Time DENIED, the order will be enforced, and Court will enforce the Jacobs case. Mr. Wirthlin to prepare the order and submit it to opposing counsel for approval as to form. ;*

08/15/2019



**Status Check** (9:30 AM) (Judicial Officer: Allf, Nancy)

Matter Heard;

Journal Entry Details:

*Mr. Wirthlin stated the briefing has been submitted and they are just waiting for either a decision or request for oral argument from supreme court. Court noted there is another status check set on the chambers calendar on September 17, 2019 and directed Mr. Wirthlin if there is any update to do so before that status check.;*

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:

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Heard;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Heard;

Journal Entry Details:

*COURT FINDS after review that on April 4, 2019, the Order Granting Motion to Stay Proceedings Pending Petition for Writ of Mandamus was filed with the Court wherein the Court ordered all proceedings in the matter stayed. The Court set a Status Check for May 14, 2019 on Chambers Calendar regarding the status of the Petition for Writ of Mandamus. COURT FURTHER FINDS after review that on May 8, 2019 the Director Defendants Status Report Regarding Petition for Writ of Mandamus was filed with the Court indicating that the Director Defendants filed their Petition with the Nevada Supreme Court on March 13, 2019 and have received no notice of any update as to the status of the Petition or the Nevada Supreme Court's consideration of the Petition. The Status Check set for May 14, 2019 was CONTINUED to June 13, 2019. COURT FURTHER FINDS after review that June 13, 2019, Mr. Wirthlin appeared before the Court and indicated that responsive briefs and oppositions were pending before the Supreme Court, so the matter was set for Status Check on August 15, 2019. COURT FURTHER FINDS after review that on August 15, 2019, Mr. Wirthlin appeared before the Court and indicated that the parties are waiting for either a decision or request for oral argument from the Supreme Court, so the matter was CONTINUED for September 17, 2019 on Chambers Calendar. COURT FURTHER FINDS after review that a decision from the Supreme Court of Nevada was still pending at the time of the Status Check on September 17, 2019, so the matter was CONTINUED for November 19, 2019 on Chambers Calendar. COURT FURTHER FINDS after review that on November 18, 2019, a Joint Status Report was filed indicating that the Supreme Court entered an Order Submitting for Decision Without Oral Argument, and that the Directors Writ of Mandamus remains pending before the Supreme Court of Nevada, so the matter was CONTINUED for January 21, 2020 on Chambers Calendar. COURT FURTHER FINDS after review that on January 17, 2020, a Joint Status Report was filed indicating that no further orders have been entered by the Supreme Court of Nevada and that the case is submitted for decision according to the Supreme Court of Nevada's*

# CASE SUMMARY

CASE NO. A-14-711535-C

website. The Status Check was continued to March 24, 2020 on Chambers Calendar. COURT FURTHER FINDS after review that on March 23, 2020, the parties submitted three separate Status Reports indicating, inter alia, that on February 27, 2020, the Supreme Court of Nevada entered an opinion granting the Directors Petition for Writ of Mandamus. The Status Reports also indicated that on March 2, 2020, the Supreme Court of Nevada filed an order granting Plaintiff s request for an extension to March 30, 2020, to file a petition for rehearing of the Directors Petition for Writ of Mandamus. The parties expressed differences on whether or not the Stay will remain in place following the Supreme Court s entry of a notice in lieu of remittitur, in the event the petition for rehearing is denied. THEREFORE, COURT ORDERS for good cause appearing and after review that the Status Check set for March 24, 2020 on Chambers Calendar is hereby CONTINUED to May 26, 2020 on Chambers Calendar. The Stay shall remain in place pending the Supreme Court of Nevada s review of Plaintiff s petition for rehearing. Once the Supreme Court resolves such petition, the parties shall advise the Court and a status hearing will be set shortly thereafter. In the event the petition is not resolved by the May 26, 2020 Status Check, the parties shall file a Joint Status Report indicating the same in advance of the May 26, 2020 Status Check. CONTINUED TO 5/26/2020 (CHAMBERS) CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 3/24/2020;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Heard;

Journal Entry Details:

COURT FINDS after review that on April 4, 2019, the Order Granting Motion to Stay Proceedings Pending Petition for Writ of Mandamus was filed with the Court wherein the Court ordered all proceedings in the matter stayed. The Court set a Status Check for May 14, 2019 on Chambers Calendar regarding the status of the Petition for Writ of Mandamus. COURT FURTHER FINDS after review that on May 8, 2019 the Director Defendants Status Report Regarding Petition for Writ of Mandamus was filed with the Court indicating that the Director Defendants filed their Petition with the Nevada Supreme Court on March 13, 2019 and have received no notice of any update as to the status of the Petition or the Nevada Supreme Court s consideration of the Petition. The Status Check set for May 14, 2019 was CONTINUED to June 13, 2019. COURT FURTHER FINDS after review that June 13, 2019, Mr. Wirthlin appeared before the Court and indicated that responsive briefs and oppositions were pending before the Supreme Court, so the matter was set for Status Check on August 15, 2019. COURT FURTHER FINDS after review that on August 15, 2019, Mr. Wirthlin appeared before the Court and indicated that the parties are waiting for either a decision or request for oral argument from the Supreme Court, so the matter was CONTINUED for September 17, 2019 on Chambers Calendar. COURT FURTHER FINDS after review that a decision from the Supreme Court of Nevada was still pending at the time of the Status Check on September 17, 2019, so the matter was CONTINUED for November 19, 2019 on Chambers Calendar. COURT FURTHER FINDS after review that on November 18, 2019, a Joint Status Report was filed indicating that the Supreme Court entered an Order Submitting for Decision Without Oral Argument, and that the Directors Writ of Mandamus remains pending before the Supreme Court of Nevada, so the matter was CONTINUED for January 21, 2020 on Chambers Calendar. COURT FURTHER FINDS after review that on January 17, 2020, a Joint Status Report was filed indicating that no further orders have been entered by the Supreme Court of Nevada and that the case is submitted for decision according to the Supreme Court of Nevada s website. THEREFORE, COURT ORDERS for good cause appearing and after review that the Status Check set for January 21, 2020 on Chambers Calendar is CONTINUED for March 24, 2020 on Chambers Calendar. The parties shall file a Joint Status Report in advance of the March 24, 2020 Status Check. CONTINUED TO: 3/24/2020 (CHAMBERS) CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 1/21/2020;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Heard;

Journal Entry Details:

COURT FINDS after review that on April 4, 2019, the Order Granting Motion to Stay Proceedings Pending Petition for Writ of Mandamus was filed with the Court wherein the Court ordered all proceedings in the matter stayed. The Court set a Status Check for May 14,

# CASE SUMMARY

CASE NO. A-14-711535-C

2019 on Chambers Calendar regarding the status of the Petition for Writ of Mandamus. COURT FURTHER FINDS after review that on May 8, 2019 the Director Defendants Status Report Regarding Petition for Writ of Mandamus was filed with the Court indicating that the Director Defendants filed their Petition with the Nevada Supreme Court on March 13, 2019 and have received no notice of any update as to the status of the Petition or the Nevada Supreme Court's consideration of the Petition. The Status Check set for May 14, 2019 was CONTINUED to June 13, 2019. COURT FURTHER FINDS after review that June 13, 2019, Mr. Wirthlin appeared before the Court and indicated that responsive briefs and oppositions were pending before the Supreme Court, so the matter was set for Status Check on August 15, 2019. COURT FURTHER FINDS after review that on August 15, 2019, Mr. Wirthlin appeared before the Court and indicated that the parties are waiting for either a decision or request for oral argument from the Supreme Court, so the matter was CONTINUED for September 17, 2019 on Chambers Calendar. COURT FURTHER FINDS after review that a decision from the Supreme Court of Nevada was still pending at the time of the Status Check on September 17, 2019, so the matter was CONTINUED for November 19, 2019 on Chambers Calendar. COURT FURTHER FINDS after review that on November 18, 2019, a Joint Status Report was filed indicating that the Supreme Court entered an Order Submitting for Decision Without Oral Argument, and that the Directors Writ of Mandamus remains pending before the Supreme Court of Nevada. THEREFORE, COURT ORDERS for good cause appearing and after review that the Status Check set for November 19, 2019 on Chambers Calendar is CONTINUED for January 21, 2020 on Chambers Calendar. The parties shall file a Joint Status Report in advance of the January 21, 2020 Status Check. CONTINUED TO: 1/21/2020 (CHAMBERS) CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;


Matter Heard;

Journal Entry Details:

COURT FINDS after review that on April 4, 2019, the Order Granting Motion to Stay Proceedings Pending Petition for Writ of Mandamus was filed with the Court wherein the Court ordered all proceedings in the matter stayed. The Court set a Status Check for May 14, 2019 on Chambers Calendar regarding the status of the Petition for Writ of Mandamus. COURT FURTHER FINDS after review that on May 8, 2019 the Director Defendants Status Report Regarding Petition for Writ of Mandamus was filed with the Court indicating that the Director Defendants filed their Petition with the Nevada Supreme Court on March 13, 2019 and have received no notice of any update as to the status of the Petition or the Nevada Supreme Court's consideration of the Petition. The Status Check set for May 14, 2019 was CONTINUED to June 13, 2019. COURT FURTHER FINDS after review that June 13, 2019, Mr. Wirthlin appeared before the Court and indicated that responsive briefs and oppositions were pending before the Supreme Court, so the matter was set for Status Check on August 15, 2019. COURT FURTHER FINDS after review that on August 15, 2019, Mr. Wirthlin appeared before the Court and indicated that the parties are waiting for either a decision or request for oral argument from the Supreme Court, so the matter was CONTINUED for September 17, 2019 on Chambers Calendar. COURT FURTHER FINDS after review that a decision from the Supreme Court of Nevada is still pending. COURT ORDERS for good cause appearing and after review that the Status Check set for September 17, 2019 on Chambers Calendar is CONTINUED for November 19, 2019 on Chambers Calendar. The parties shall file Status Reports in advance of the November 19, 2019 Status Check. COURT FURTHER ORDERS for good cause appearing and after review that the Firm Jury Trial set for October 21, 2019 is hereby VACATED. CONTINUED TO: 11/19/2019 (CHAMBERS) CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm;

10/17/2019 **CANCELED Pretrial/Calendar Call (10:31 AM)** (Judicial Officer: Allf, Nancy)  
Vacated

10/21/2019 **CANCELED Jury Trial - FIRM (10:30 AM)** (Judicial Officer: Allf, Nancy)  
Vacated

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  
Matter Continued;

# CASE SUMMARY

CASE NO. A-14-711535-C

Granted;

Matter Continued;

Granted;

Journal Entry Details:

*All appearances made via BlueJeans video conferencing. Court noted how cases and proceedings are being handled during the Covid-19 pandemic. Arguments by Mr. Wirthlin, Mr. Peek and Mr. Ogilvie regarding the merits of and opposition to the pending the motion. COURT ORDERED, Plaintiff's Motion for Clarification on Order Shortening Time CONTINUED, if there is decision from the Supreme Court on the Petition for Rehearing, matter can be stipulated to be moved out, or it may be stipulated to be moved if there is decision and parties want to hear it sooner. Mr. Wirthlin to prepare the order and submit it to opposing counsel. CONTINUED to 5/15/2020 1:30 PM;*

06/16/2020



**Minute Order (3:00 AM)** (Judicial Officer: Allf, Nancy)

*Minute Order: Telephonic Appearance*

Minute Order - No Hearing Held; Minute Order: Telephonic Appearance

Journal Entry Details:

*Department 27 Formal Request to Appear Telephonically Re: Plaintiff's Motion for Clarification on Order Shortening Time and Status Check Set: June 18, 2020 at 9:30 a.m. Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video. Dial the following number: 1-408-419-1715 Meeting ID: 241 897 186 Meeting URL: <https://bluejeans.com/241897186> To connect by phone dial the number provided and enter the meeting ID followed by # To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans. You may also download the Blue Jeans app and join the meeting by entering the meeting ID PLEASE NOTE the following protocol each participant will be required to follow: Place your phone on MUTE while waiting for your matter to be called. Do NOT place the call on hold since some phones may play wait/hold music. Please do NOT use speaker phone as it causes a loud echo/ringing noise. Please state your name each time you speak so that the court recorder can capture a clear record. Please be mindful of rustling papers, background noise, and coughing or loud breathing. Please be mindful of where your camera is pointing. We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing. If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing. Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 6/16/2020;*

06/18/2020



**All Pending Motions (9:30 AM)** (Judicial Officer: Allf, Nancy)

Matter Heard;

Journal Entry Details:

*STATUS CHECK...PLAINTIFF'S MOTION FOR CLARIFICATION ON ORDER SHORTENING TIME Appearances made via the BlueJeans videoconferencing application. Colloquy regarding lifting the stay. Court stated its findings and ORDERED, Plaintiff's Motion for Clarification on Order Shortening Time GRANTED, stay will be lifted as of July 1, 2020. Mr. Wirthlin to prepare the order and submit it to opposing counsel approval as to form.;*

06/30/2020



**Minute Order (3:00 AM)** (Judicial Officer: Allf, Nancy)

*Minute Order: BlueJeans Appearances*

Minute Order - No Hearing Held; Minute Order: BlueJeans Appearances

Journal Entry Details:

*Department 27 Formal Request to Appear Telephonically 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; On Order Shortening Time Set: July 1, 2020 at 10:00 a.m. Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court*

**CASE SUMMARY****CASE NO. A-14-711535-C**

hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video. Dial the following number: 1-408-419-1715 Meeting ID: 356 362 567 Meeting URL: <https://bluejeans.com/356362567> To connect by phone dial the number provided and enter the meeting ID followed by # To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans. You may also download the Blue Jeans app and join the meeting by entering the meeting ID PLEASE NOTE the following protocol each participant will be required to follow: Place your phone on MUTE while waiting for your matter to be called. Do NOT place the call on hold since some phones may play wait/hold music. Please do NOT use speaker phone as it causes a loud echo/ringing noise. Please state your name each time you speak so that the court recorder can capture a clear record. Please be mindful of rustling papers, background noise, and coughing or loud breathing. Please be mindful of where your camera is pointing. We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing. If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing. Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 6/30/2020 CLERK'S NOTE: Minute order AMENDED to correct Meeting ID number and Meeting URL. This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 6/30/2020;

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*  
Matter Continued;

Granted;

Matter Continued;

Granted;

Journal Entry Details:

*All counsel present via the BlueJeans Videoconferencing Application. Upon inquiry of Court if parties are prepared to go forward today as matter was set on shortened time, Ms. Ochoa and Mr. Ogilvie stated they were. Mr. Wirthlin advised they are filing a motion for leave to amend on July 2, 2020. Arguments by Mr. Wirthlin, Ms. Ochoa, and Mr. Ogilvie as to the merits of and opposition of the motion. Ms. Ochoa stated the motion should be heard after the motion for leave. COURT ORDERED, 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 CONTINUED to be heard with the motion to amend, deadline extended until the motion to amend is heard, opposition due July 13, 2020, reply due July 14, 2020. ;*

07/21/2020

**Minute Order** (3:00 AM) (Judicial Officer: Allf, Nancy)*Minute Order: BlueJeans Appearance*

Minute Order - No Hearing Held; Minute Order: BlueJeans Appearance

Journal Entry Details:

*Department 27 Formal Request to Appear Telephonically Re: Matter set on July 23, 2020 at 10:00 a.m. Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video. Dial the following number: 1-408-419-1715 Meeting ID: 897 138 369 Meeting URL: <https://bluejeans.com/897138369> To connect by phone dial the number provided and enter the meeting ID followed by # To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans. You may also download the Blue Jeans app and join the meeting by entering the meeting ID PLEASE NOTE the following*

# CASE SUMMARY

CASE NO. A-14-711535-C

protocol each participant will be required to follow: Place your phone on MUTE while waiting for your matter to be called. Do NOT place the call on hold since some phones may play wait/hold music. Please do NOT use speaker phone as it causes a loud echo/ringing noise. Please state your name each time you speak so that the court recorder can capture a clear record. Please be mindful of rustling papers, background noise, and coughing or loud breathing. Please be mindful of where your camera is pointing. We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing. If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing. Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 7/21/2020.;


07/23/2020

**Motion for Leave** (10:00 AM) (Judicial Officer: Allf, Nancy)  
Plaintiff Motion for Leave to File Fourth Amended Complaint  
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  
Granted;

07/23/2020

 **All Pending Motions** (10:00 AM) (Judicial Officer: Allf, Nancy)  
Matter Heard;  
Journal Entry Details:  
All appearances made via the BlueJeans Videoconferencing Application DEFENDANTS UNI-TER UNDERWRITING MANAGEMENT CORP., UNI-TER CLAIMS SERVICES CORP. AND U.S. RE CORPORATION S MOTION OR LEAVE TO FILE AMENDED ANSWERS TO THIRD AMENDED COMPLAINT There being no opposition, COURT ORDERED, 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 GRANTED. PLAINTIFF MOTION FOR LEAVE TO FILE FOURTH AMENDED COMPLAINT Arguments by Mr. Wirthlin, Ms. Ochoa, and Mr. Ogilvie regarding the merits of and opposition to the motion. Mr. Wirthlin requested until July 31, 2020 to disclose experts. Court stated its findings and ORDERED, Plaintiff Motion for Leave to File Fourth Amended Complaint DENIED. Mr. Ochoa or Mr. Ogilvie to prepare the order and submit it to opposing counsel for approval as to form. 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 Colloquy regarding preferential trial setting. COURT ORDERED, 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 GRANTED, all parties to give all availability to start trial in February 2021 or March 2021 and Court will set trial based on the availability of counsel, most likely in February. Defense to prepare the order from the hearing and parties should collaborate on the order. Colloquy regarding expert disclosures and deadline. COURT FURTHER ORDERED, expert disclosures will be extended until July 31, 2020.;

07/30/2020

 **Minute Order** (3:00 AM) (Judicial Officer: Allf, Nancy)  
Minute Order: Transcript filed 7/24/2020 STRICKEN  
Minute Order - No Hearing Held; Minute Order: Transcript filed 7/24/2020 STRICKEN  
Journal Entry Details:  
COURT FINDS after review a Transcript of Proceedings was inadvertently filed on July 24, 2020 related to the June 18, 2020 hearing. THEREFORE, COURT ORDERS for good cause appearing and after review the Transcript of Proceedings related to the June 18, 2020 hearing filed on July 24, 2020 is hereby STRICKEN from the record. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 7/30/2020;

# CASE SUMMARY

CASE NO. A-14-711535-C

08/07/2020



**Minute Order** (3:00 AM) (Judicial Officer: Allf, Nancy)

*Minute Order: BlueJeans Appearance*

Minute Order - No Hearing Held; Minute Order: BlueJeans Appearance

Journal Entry Details:

*Department 27 Formal Request to Appear Telephonically Re: Matter set on August 13, 2020 at 9:30 a.m. Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video. Dial the following number: 1-408-419-1715 Meeting ID: 897 138 369 Meeting URL: <https://bluejeans.com/897138369> To connect by phone dial the number provided and enter the meeting ID followed by # To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans. You may also download the Blue Jeans app and join the meeting by entering the meeting ID PLEASE NOTE the following protocol each participant will be required to follow: Place your phone on MUTE while waiting for your matter to be called. Do NOT place the call on hold since some phones may play wait/hold music. Please do NOT use speaker phone as it causes a loud echo/ringing noise. Please state your name each time you speak so that the court recorder can capture a clear record. Please be mindful of rustling papers, background noise, and coughing or loud breathing. Please be mindful of where your camera is pointing. We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing. If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing. Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 8/7/2020. ;*

08/13/2020



**Telephonic Conference** (9:30 AM) (Judicial Officer: Allf, Nancy)

*Telephonic Conference: Trial Scheduling Issues*

Matter Heard;

Journal Entry Details:

*Appearances made via BlueJeans Videoconferencing Application. Court NOTED the matter had been set to set the trial start date. Colloquy regarding starting the trial the last week of February and the first week of March. Arguments by counsel as to the tolling of the five year rule. Further arguments by counsel as to striking the Order regarding the receiver. Court STATED it would ISSUE A DECISION. After the Court hearing Court indicated the trial date would be set the last week of February 2021, starting on Monday, February 22, 2021. 2/22/21 10:00 AM JURY TRIAL;*

08/25/2020



**Minute Order** (3:00 AM) (Judicial Officer: Allf, Nancy)

*Minute Order: BlueJeans Appearance*

Minute Order - No Hearing Held; Minute Order: BlueJeans Appearance

Journal Entry Details:

*Department 27 Formal Request to Appear Telephonically Re: Matter set on August 26, 2020 at 9:00 a.m. Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video. Dial the following number: 1-408-419-1715 Meeting ID: 897 138 369 Meeting URL: <https://bluejeans.com/897138369> To connect by phone dial the number provided and enter the meeting ID followed by # To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans. You may also download the Blue Jeans app and join the meeting by entering the meeting ID PLEASE NOTE the following protocol each participant will be required to follow: Place your phone on MUTE while waiting for your matter to be called. Do NOT place the call on hold since some phones may play wait/hold music. Please do NOT use speaker phone as it causes a loud echo/ringing noise. Please state your name each time you speak so that the court recorder can capture a clear record. Please be mindful of rustling papers, background noise, and coughing or loud breathing. Please be mindful of where your camera is pointing. We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing. If your hearing gets*

# CASE SUMMARY

CASE NO. A-14-711535-C

*continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing. Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 8/25/2020. ;*

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*

Denied;

Journal Entry Details:

*Upon inquiry of Court if Plaintiff would like to go forward today, or wait until Court has reviewed the reply that was filed yesterday afternoon, Mr. Hutchinson stated he would like to go forward. No opposition to proceeding from remaining counsel. Arguments by Mr. Hutchinson, Mr. Wirthlin, and Ms. Ochoa regarding the merits of and opposition to the motion. Court stated its findings and ORDERED, Motion for Partial Reconsideration of Plaintiff's Motion for Leave to Amend Regarding Director Defendants DENIED. Ms. Ochoa to prepare the order and submit it to Plaintiff's counsel for approval. Additional arguments by Mr. Wirthlin including a request that Judge review the reply. Court stated it did review the reply during the hearing and it would consider granting a stay if the matter was taken up on a writ. Mr. Ogilvie stated a scheduling order had issued with a discovery cut-off date of October 19, 2020 and parties would like to propose a discovery cut-off date of December 17, 2020. Court stated if parties can stipulate to the new date then Court would adjust the scheduling order accordingly.;*

09/02/2020



## **Minute Order (3:00 AM) (Judicial Officer: Allf, Nancy)**

*Minute Order: BlueJeans Appearance*

Minute Order - No Hearing Held; Minute Order: BlueJeans Appearance

Journal Entry Details:

*Department 27 Formal Request to Appear Telephonically Re: Matter set on September 3, 2020 at 11:00 a.m. Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video. Dial the following number: 1-408-419-1715 Meeting ID: 897 138 369 Meeting URL: <https://bluejeans.com/897138369> To connect by phone dial the number provided and enter the meeting ID followed by # To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans. You may also download the Blue Jeans app and join the meeting by entering the meeting ID PLEASE NOTE the following protocol each participant will be required to follow: Place your phone on MUTE while waiting for your matter to be called. Do NOT place the call on hold since some phones may play wait/hold music. Please do NOT use speaker phone as it causes a loud echo/ringing noise. Please state your name each time you speak so that the court recorder can capture a clear record. Please be mindful of rustling papers, background noise, and coughing or loud breathing. Please be mindful of where your camera is pointing. We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing. If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing. Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 9/2/2020. ;*

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*

Granted;

Journal Entry Details:

*All appearances made via the BlueJeans Videoconferencing Application. Mr. Wall stated he spoke with other counsel and he is requesting the order from the last hearing be certified as*



# CASE SUMMARY

CASE NO. A-14-711535-C

final pursuant to NRCP 54(B) so parties can appeal instead of filing a petition for a writ. Ms. Ochoa stated the Plaintiff did contact her and it is her opinion that the court needs to be apprised through a motion so Court can make the findings it needs to make. Ms. Ochoa further stated she offered to try to do a stipulation or joint motion. Mr. Ogilvie stated the matter should be briefed or brought to their attention before it is raised as a housekeeping matter. Further colloquy as to the request for certification. COURT ORDERED, oral request for 54(B) certification DENIED and Court would entertain an order shortening time. Court directed counsel the motion could be set September 10, 2020 at 11:00 a.m. and counsel should add that setting date to the motion. Arguments by counsel regarding the merits of and opposition to the motion. Colloquy regarding Court's jurisdiction or discretion on the matter. Court stated its findings and ORDERED, Motion to Stay Proceedings Pending Petition for Writ of Mandamus on Order Shortening Time GRANTED, stay will be effective on all matters except the motion to certify. Plaintiff's counsel to prepare the order and submit it to opposing counsel for approval as to form.;

09/04/2020



**Minute Order** (3:00 AM) (Judicial Officer: Allf, Nancy)

Minute Order: BlueJeans Appearance

Minute Order - No Hearing Held; Minute Order: BlueJeans Appearance

Journal Entry Details:

Department 27 Formal Request to Appear Telephonically Re: Matter set on September 10, 2020 at 11:00 a.m. Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video. Dial the following number: 1-408-419-1715 Meeting ID: 897 138 369 Meeting URL: <https://bluejeans.com/897138369> To connect by phone dial the number provided and enter the meeting ID followed by # To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans. You may also download the Blue Jeans app and join the meeting by entering the meeting ID PLEASE NOTE the following protocol each participant will be required to follow: Place your phone on MUTE while waiting for your matter to be called. Do NOT place the call on hold since some phones may play wait/hold music. Please do NOT use speaker phone as it causes a loud echo/ringing noise. Please state your name each time you speak so that the court recorder can capture a clear record. Please be mindful of rustling papers, background noise, and coughing or loud breathing. Please be mindful of where your camera is pointing. We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing. If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing. Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 9/4/2020;

09/10/2020



**Motion** (11:00 AM) (Judicial Officer: Allf, Nancy)

Motion to Certify Judgment as Final Pursuant to NRCP 54(b) on Order Shortening Time Denied;

Journal Entry Details:

All appearances made via the BlueJeans Videoconferencing Application Arguments by counsel regarding the merits of and opposition to the motion. Court stated its findings and ORDERED, Motion to Certify Judgment as Final Pursuant to NRCP 54(b) on Order Shortening Time DENIED. Mr. Ogilvie to prepare the order and submit to other counsel for approval.;

09/18/2020



**Minute Order** (3:00 AM) (Judicial Officer: Allf, Nancy)

Minute Order: Blue Jeans Appearance

Minute Order - No Hearing Held; Minute Order: Blue Jeans Appearance

Journal Entry Details:

Department 27 Formal Request to Appear Telephonically Re: Matter set on September 24, 2020 at 9:30 a.m. Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video. Dial the following number: 1-408-419-1715 Meeting ID: 897 138 369 Meeting URL: <https://bluejeans.com/897138369> To connect by phone dial the number provided and enter the

# CASE SUMMARY

CASE NO. A-14-711535-C

meeting ID followed by # To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans. You may also download the Blue Jeans app and join the meeting by entering the meeting ID PLEASE NOTE the following protocol each participant will be required to follow: Place your phone on MUTE while waiting for your matter to be called. Do NOT place the call on hold since some phones may play wait/hold music. Please do NOT use speaker phone as it causes a loud echo/ringing noise. Please state your name each time you speak so that the court recorder can capture a clear record. Please be mindful of rustling papers, background noise, and coughing or loud breathing. Please be mindful of where your camera is pointing. We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing. If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing. Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 9/18/2020. ;

09/24/2020



**Motion to Retax** (9:30 AM) (Judicial Officer: Allf, Nancy)

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

Off Calendar;

Journal Entry Details:

All appearances made via the BlueJeans Videoconferencing Application. At request of counsel, COURT ORDERED, 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 OFF CALENDAR.;

02/11/2021

**CANCELED Calendar Call** (10:30 AM) (Judicial Officer: Allf, Nancy)

Vacated

02/22/2021

**CANCELED Jury Trial - FIRM** (10:30 AM) (Judicial Officer: Allf, Nancy)

Vacated

05/04/2021



**Minute Order** (3:00 AM) (Judicial Officer: Allf, Nancy)

Minute Order: BlueJeans Appearance

Minute Order - No Hearing Held; Minute Order: BlueJeans Appearance

Journal Entry Details:

Department 27 Information to Appear Telephonically Re: Matter set on May 5, 2021, 9:00 a.m. Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. Counsel have the choice to appear either by phone or computer/video, however, if appearing remotely via BlueJeans, please appear by audio AND video. Also, in person hearings are now being held in Department 27, at the option of counsel. Mask wearing protocols will be strictly enforced. As of May 1, 2021, the Governor has relaxed the capacity to 80%, so that the courtroom can now accommodate up to 32 people. Dial the following number: 1-408-419-1715 Meeting ID: 897 138 369 Meeting URL: <https://bluejeans.com/897138369> To connect by phone dial the number provided and enter the meeting ID followed by # To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans. You may also download the Blue Jeans app and join the meeting by entering the meeting ID PLEASE NOTE the following protocol each participant will be required to follow: Place your phone on MUTE while waiting for your matter to be called. Do NOT place the call on hold since some phones may play wait/hold music. Please do NOT use speaker phone as it causes a loud echo/ringing noise. Please state your name each time you speak so that the court recorder can capture a clear record. Please be mindful of rustling papers, background noise, and coughing or loud breathing. Please be mindful of where your camera is pointing. We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing. If your hearing gets continued to a different date after you have already received this minute order please note a new minute order

# CASE SUMMARY

CASE NO. A-14-711535-C

will issue with a different meeting ID since the ID number changes with each meeting/hearing. Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 5/4/2021. ;

05/05/2021



**Motion for Preferential Trial Setting** (9:00 AM) (Judicial Officer: Allf, Nancy)

*Plaintiff's Motion to Lift Stay and for Re-Setting of Preferential Trial Setting*

Granted; Plaintiff's Motion to Lift Stay and for Re-Setting of Preferential Trial Setting

Journal Entry Details:

All appearances made via the BlueJeans Videoconferencing Application. Arguments by Mr. Wirthlin and Mr. Ogilvie regarding the merits of and opposition to the motion. COURT ORDERED, Plaintiff's Motion to Lift Stay and for Re-Setting of Preferential Trial Setting GRANTED, STAY LIFTED on the date the notice of entry is filed, and request for additional depositions should be taken up with the Discovery Commissioner unless all parties stipulate for Court to take over discovery. Colloquy regarding setting a firm trial date. COURT ORDERED, trial SET for firm date on September 20, 2021. 9/20/2021 10:30 AM JURY TRIAL ;

06/30/2021



**Minute Order** (3:00 AM) (Judicial Officer: Allf, Nancy)

*Minute Order: BlueJeans Appearance*

Minute Order - No Hearing Held; Minute Order: BlueJeans Appearance

Journal Entry Details:

Department 27 Information to Appear Telephonically Re: Matter set on July 1, 2021, 11:00 a.m. Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. Counsel have the choice to appear either by phone or computer/video, however, if appearing remotely via BlueJeans, please appear by audio AND video. Also, in person hearings are now being held in Department 27, at the option of counsel. Mask wearing protocols will be strictly enforced. As of May 1, 2021, the Governor has relaxed the capacity to 80%, so that the courtroom can now accommodate up to 32 people. Dial the following number: 1-408-419-1715 Meeting ID: 897 138 369 Meeting URL: <https://bluejeans.com/897138369> To connect by phone dial the number provided and enter the meeting ID followed by # To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans. You may also download the Blue Jeans app and join the meeting by entering the meeting ID PLEASE NOTE the following protocol each participant will be required to follow: Place your phone on MUTE while waiting for your matter to be called. Do NOT place the call on hold since some phones may play wait/hold music. Please do NOT use speaker phone as it causes a loud echo/ringing noise. Please state your name each time you speak so that the court recorder can capture a clear record. Please be mindful of rustling papers, background noise, and coughing or loud breathing. Please be mindful of where your camera is pointing. We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing. If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing. Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 6/30/2021. ;

07/01/2021

**CANCELED Motion for Attorney Fees and Costs** (9:30 AM) (Judicial Officer: Allf, Nancy)

*Vacated*

*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*

07/01/2021

**CANCELED Motion to Retax** (9:30 AM) (Judicial Officer: Allf, Nancy)

*Vacated*

*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*

# CASE SUMMARY

CASE NO. A-14-711535-C

## Costs and Disbursements

07/01/2021

**Motion to Retax** (11:00 AM) (Judicial Officer: Allf, Nancy)

*Plaintiff's Motion to Retax and Settle Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut*  
Denied;

07/01/2021

**Motion for Attorney Fees** (11:00 AM) (Judicial Officer: Allf, Nancy)

*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*  
Denied;

07/01/2021



**All Pending Motions** (11:00 AM) (Judicial Officer: Allf, Nancy)

Matter Heard;

Journal Entry Details:

*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...PLAINTIFF'S 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 Present in Courtroom: Brenoch Wirthlin, Esq., Christian M. Orme, Esq. Present via the BlueJeans Video conferencing Application: Angela T. Nakamura Ochoa, Esq., George F. Ogilvie, III, Esq. Arguments by Ms. Ochoa and Mr. Wirthlin regarding the merits of and opposition to the motion. Court stated its findings and ORDERED, 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 DENIED WITHOUT PREJUDICE. COURT FURTHER ORDERED, Plaintiff's 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 DENIED. Mr. Wirthlin to prepare the order and provide it to opposing counsel for approval.;*

07/06/2021



**Minute Order** (3:00 AM) (Judicial Officer: Allf, Nancy)

*Minute Order: Plaintiff's Motion to Retax and Settle Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut (Motion to Retax) DENIED*

*Minute Order - No Hearing Held; Minute Order: Plaintiff's Motion to Retax and Settle Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut (Motion to Retax) DENIED*

Journal Entry Details:

*COURT FINDS after review that on August 21, 2020 Plaintiff's Motion to Retax and Settle Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut (Motion to Retax) was filed. COURT FURTHER FINDS after review that a Motion to Retax was scheduled on July 1, 2021 on Motions calendar. COURT FURTHER FINDS after review that NRS 696B.565 (3) provides: The Commissioner, all present and former deputy receivers, special deputy receivers and their employees, and the other officers, agents, employees and attorneys of the Division must be indemnified for all expenses, attorney s fees, judgments, settlements decrees, or amounts due or paid in satisfaction of, or incurred in the defense of, such a legal action, unless it is determined upon a final adjudication on the merits of the case that the alleged acts, error or omission of the officer, agent, employee or attorney of the division did not arise out of or by reason of his or her duties or employment and was caused by actual malice. THEREFORE COURT ORDERS for good cause appearing and after review that the Motion to Retax is hereby DENIED and the matter scheduled on July 1, 2021 on Motions calendar is hereby VACATED. Movant to prepare the Order in compliance with EDCR 7.21 and email it in pdf format to DC27Inbox@ClarkCountyCourts.us. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 7/6/2021. ;*

07/28/2021



**Minute Order** (3:00 AM) (Judicial Officer: Allf, Nancy)

*Minute Order: BlueJeans Appearance*

*Minute Order - No Hearing Held; Minute Order: BlueJeans Appearance*

Journal Entry Details:

*Department 27 Information to Appear Telephonically Re: Matter set on July 29, 2021, 9:30*

# CASE SUMMARY

CASE NO. A-14-711535-C

a.m. Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. Counsel have the choice to appear either by phone or computer/video, however, if appearing remotely via BlueJeans, please appear by audio AND video. Also, in person hearings are now being held in Department 27, at the option of counsel. Mask wearing protocols will be strictly enforced. As of May 1, 2021, the Governor has relaxed the capacity to 80%, so that the courtroom can now accommodate up to 32 people. Dial the following number: 1-408-419-1715 Meeting ID: 897 138 369 Meeting URL: <https://bluejeans.com/897138369> To connect by phone dial the number provided and enter the meeting ID followed by # To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans. You may also download the Blue Jeans app and join the meeting by entering the meeting ID PLEASE NOTE the following protocol each participant will be required to follow: Place your phone on MUTE while waiting for your matter to be called. Do NOT place the call on hold since some phones may play wait/hold music. Please do NOT use speaker phone as it causes a loud echo/ringing noise. Please state your name each time you speak so that the court recorder can capture a clear record. Please be mindful of rustling papers, background noise, and coughing or loud breathing. Please be mindful of where your camera is pointing. We encourage you to visit the [Bluejeans.com](https://bluejeans.com) website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing. If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing. Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 7/28/2021. ;

07/29/2021



**Motion for Declaratory Relief (9:30 AM)** (Judicial Officer: Allf, Nancy)

07/29/2021, 08/02/2021

*Plaintiff's Motion for Declaratory Relief*

Denied in Part;

Matter Continued;

Journal Entry Details:

*Present in Courtroom: Brenoch Wirthlin, Esq. All other counsel present via the BlueJeans Videoconferencing Application. Due to time restraints, COURT ORDERED, Plaintiff's Motion for Declaratory Relief CONTINUED. CONTINUED TO: 8/2/2021 10:00 AM;*

Denied in Part;

Matter Continued;

Journal Entry Details:

*Parties present via Bluejeans Videoconferencing Application. Upon Courts inquiry Mr. Wirthlin stated this motion is strictly based on admission by corporation. Mr. Wirthlin further added the defendant opposition asserts declaratory relief will not have an impact on this case, however Mr. Wirthlin believes it will narrow issues for the case. Mr. Wirthlin continued by stating declaratory relief will narrow the facts and evidence down substantially to allow trial to be more substantive. Mr. Ogilvie responded, declaratory relief is not appropriate as it has nothing to do with insolvency. Mr. Ogilvie added, the plaintiff can not seek relief because declaratory relief was not pleaded and pursuant to Rule 56, by law it can not be allowed. After hearing arguments, COURT ORDERED, Plaintiffs Motion for Declaratory Relief against the Corporate Defendants Uni-Ter Underwriting, Uni-ter Claims and US Re, relating to the Third, Fourth, and Fifth Causes of Action for Negligence, Misrepresentation, and Fiduciary Duty, DENIED, because there was not a request made in the third amended complaint for declaratory relief. However, it will be GRANTED to the extent that admissions of the defendant of undisputed facts, and will be deemed admitted for the purpose of the case. COURT FURTHER ORDERED, Mr. Wirthlin to prepare the order and provide a copy to Mr. Ogilvie for review.;*

07/29/2021



**Motion to Compel (9:30 AM)** (Judicial Officer: Truman, Erin)

*Motion to Compel Discovery Pursuant to NRCP 37(a)(4) on Order Shortening Time*

Denied Without Prejudice; Motion to Compel Discovery Pursuant to NRCP 37(a)(4) on Order Shortening Time

Journal Entry Details:

*MATTER TRAILED to 10:30 a.m. MATTER RECALLED. Commissioner Truman DISCLOSED*

# CASE SUMMARY

CASE NO. A-14-711535-C

as a private attorney, she was Of Counsel at the Law Firm of Hutchison & Steffen from approximately 2010 through May 2017. Commissioner offered to recuse herself at request of counsel. Colloquy regarding Mr. Young previously worked for McDonald Carano in the 1990's. No objection by Mr. Ogilvie to Commissioner Truman deciding this Motion. Upon Commissioner's inquiry, Mr. Wirthlin stated Hutchison & Steffen were retained in February 2020. Commissioner stated the Trial is set September 21, 2021, discovery closes in one week, and 1.7 million documents were referenced. Commissioner will not extend discovery as it is not within her purview. Mr. Orme does not have all the documents that were promised, and counsel found out through the depositions. Mr. Orme requested Deft provide the password to the data base of documents. Colloquy regarding the timeframe of the search. Commissioner inquired what search terms were used, and what other search terms would Plaintiff have proposed to be used. Arguments by counsel. Commissioner stated there is not enough time to get the discovery before the close of discovery. If there were more time, Commissioner may allow the discovery. Given the posture of the case, and the timeliness, COMMISSIONER RECOMMENDED, motion is DENIED WITHOUT PREJUDICE; if discovery is extended, the Motion can be re-Noticed. Mr. Wirthlin can submit the search terms today. Arguments by counsel. If discovery is extended by the Judge, Commissioner advised counsel to bring the issue back for the Commissioner to consider. COMMISSIONER RECOMMENDED, Deft is required to respond with bates numbers or bates ranges, and supplement within 30 days. Arguments by counsel regarding the format of document production. Mr. Ogilvie to prepare the Report and Recommendations, and counsel to approve as to form and content. Comply with Administrative Order 20-10, and submit the DCRR to DiscoveryInbox@clarkcountycourts.us. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution. COMMISSIONER RECOMMENDED, Status Check SET; if the DCRR is submitted, contact the Discovery office to vacate the Status Check. 8-26-2021 9:00 a.m. Status Check: Compliance / 7-29-2021 DCRR;

08/25/2021



**Minute Order (3:00 AM)** (Judicial Officer: Alf, Nancy)

Minute Order: BlueJeans Appearance

Minute Order - No Hearing Held; Minute Order: BlueJeans Appearance

Journal Entry Details:

Department 27 Information to Appear Telephonically Re: Matter set on August 26, 2021, 10:30 a.m. Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. Counsel have the choice to appear either by phone or computer/video, however, if appearing remotely via BlueJeans, please appear by audio AND video. Also, in person hearings are now being held in Department 27, at the option of counsel. Mask wearing protocols will be strictly enforced. As of May 1, 2021, the Governor has relaxed the capacity to 80%, so that the courtroom can now accommodate up to 32 people. Dial the following number: 1-408-419-1715 Meeting ID: 897 138 369 Meeting URL: <https://bluejeans.com/897138369> To connect by phone dial the number provided and enter the meeting ID followed by # To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans. You may also download the Blue Jeans app and join the meeting by entering the meeting ID PLEASE NOTE the following protocol each participant will be required to follow: Place your phone on MUTE while waiting for your matter to be called. Do NOT place the call on hold since some phones may play wait/hold music. Please do NOT use speaker phone as it causes a loud echo/ringing noise. Please state your name each time you speak so that the court recorder can capture a clear record. Please be mindful of rustling papers, background noise, and coughing or loud breathing. Please be mindful of where your camera is pointing. We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing. If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing. Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 8/25/2021. ;

08/26/2021

**CANCELED Status Check: Compliance (8:59 AM)** (Judicial Officer: Truman, Erin)

Vacated

Status Check: Compliance / 7-29-2021 DCRR

# CASE SUMMARY

CASE NO. A-14-711535-C

08/26/2021



**Calendar Call** (10:30 AM) (Judicial Officer: Allf, Nancy)

Matter Heard;

Journal Entry Details:

*Present in the Courtroom: George F. Ogilvie, III, Esq. All other parties present via the BlueJeans Videoconferencing Application. Upon inquiry of Court regarding trial, counsel stated they were ready for trial. Colloquy regarding time needed for trial and moving the Motions in Limine to a special setting. Matter concluded.;*

08/31/2021



**Minute Order** (3:00 AM) (Judicial Officer: Allf, Nancy)

*Minute Order: BlueJeans Appearance*

Minute Order - No Hearing Held; Minute Order: BlueJeans Appearance

Journal Entry Details:

*Department 27 Information to Appear Telephonically Re: Matter set on September 2, 2021, 10:00 a.m. Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. Counsel have the choice to appear either by phone or computer/video, however, if appearing remotely via BlueJeans, please appear by audio AND video. Also, in person hearings are now being held in Department 27, at the option of counsel. Mask wearing protocols will be strictly enforced. As of May 1, 2021, the Governor has relaxed the capacity to 80%, so that the courtroom can now accommodate up to 32 people. Dial the following number: 1-408-419-1715 Meeting ID: 897 138 369 Meeting URL: <https://bluejeans.com/897138369> To connect by phone dial the number provided and enter the meeting ID followed by # To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans. You may also download the Blue Jeans app and join the meeting by entering the meeting ID PLEASE NOTE the following protocol each participant will be required to follow: Place your phone on MUTE while waiting for your matter to be called. Do NOT place the call on hold since some phones may play wait/hold music. Please do NOT use speaker phone as it causes a loud echo/ringing noise. Please state your name each time you speak so that the court recorder can capture a clear record. Please be mindful of rustling papers, background noise, and coughing or loud breathing. Please be mindful of where your camera is pointing. We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing. If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing. Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 8/31/2021. ;*

09/02/2021

**Motion for Partial Summary Judgment** (10:00 AM) (Judicial Officer: Allf, Nancy)

*Motion for Partial Summary Judgment Regarding the Uni-Ter Defendants Fiduciary Duties Denied;*

09/02/2021

**Motion in Limine** (10:00 AM) (Judicial Officer: Allf, Nancy)

Events: 08/04/2021 Motion in Limine

*Plaintiff's Motion in Limine Number 1: to Preclude Sam Hewitt from Providing Expert Testimony Regarding Insolvency Analysis*

Denied;

09/02/2021

**Motion in Limine** (10:00 AM) (Judicial Officer: Allf, Nancy)

*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*

Denied;

09/02/2021

**Motion in Limine** (10:00 AM) (Judicial Officer: Allf, Nancy)

*Defendants' Motion in Limine Number 1: to Preclude Mark D. Tharp from Providing Expert Testimony on Impermissible Legal Conclusions*

Granted;

# CASE SUMMARY

CASE NO. A-14-711535-C

09/02/2021	<p><b>Motion in Limine</b> (10:00 AM) (Judicial Officer: Allf, Nancy)  <i>Defendants' Motion in Limine Number 2: to Preclude Mark D. Tharp from Providing Expert Testimony Regarding Claims Reserving and "Suppression" of Reserves</i>  Denied;</p>
09/02/2021	<p><b>Motion in Limine</b> (10:00 AM) (Judicial Officer: Allf, Nancy)  <i>Plaintiff's Motion in Limine No. 2 to Preclude Testimony by Joseph Petrelli, Richard Lord and Jim Murphy Regarding Unperformed Solvency Analysis</i>  Granted in Part;</p>
09/02/2021	<p><b>Motion in Limine</b> (10:00 AM) (Judicial Officer: Allf, Nancy)  <i>Plaintiff's Motion in Limine Number 3 to Preclude Testimony that US RE was a Licensed Reinsurance Broker in Nevada</i>  Granted;</p>
09/02/2021	<p><b>Motion in Limine</b> (10:00 AM) (Judicial Officer: Allf, Nancy)  <i>Plaintiff's Motion in Limine Number 5 to Limit the Scope of Expert Witness Testimony Regarding Speculation Concerning the Economy</i>  Denied;</p>
09/02/2021	<p><b>Motion in Limine</b> (10:00 AM) (Judicial Officer: Allf, Nancy)  <i>Plaintiff's Motion in Limine Number 4 to Preclude any Reference to Reinsurance Estimates</i>  Denied;</p>
09/02/2021	<p><b>Motion in Limine</b> (10:00 AM) (Judicial Officer: Allf, Nancy)  <i>Plaintiff's Motion in Limine Number 6 to Strike Proffered Expert Witness Alan Gray</i>  Denied;</p>
09/02/2021	<p><b>Motion in Limine</b> (10:00 AM) (Judicial Officer: Allf, Nancy)  <i>Plaintiff's Motion in Limine Number 7 to Preclude Introduction of Irrelevant Evidence from Receivership Action, Case No. A-12-672047-C</i>  Granted;</p>
09/02/2021	<p><b>Motion for Partial Summary Judgment</b> (10:00 AM) (Judicial Officer: Allf, Nancy)  <i>Plaintiff's Motion for Partial Summary Judgment as to U.S. RE Corporation</i>  Granted in Part;</p>
09/02/2021	<p><b>Motion for Partial Summary Judgment</b> (10:00 AM) (Judicial Officer: Allf, Nancy)  <i>Plaintiff's Motion for Partial Summary Judgment as to Uni-ter Defendants' Breach of their Fiduciary Duties</i>  Denied;</p>
09/02/2021	<p><b>Objection to Discovery Commissioner's Report</b> (10:00 AM) (Judicial Officer: Allf, Nancy)  <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>  Granted in Part;</p>
09/02/2021	<p> <b>All Pending Motions</b> (10:00 AM) (Judicial Officer: Allf, Nancy)  Matter Heard;  Journal Entry Details:    <p><i>PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT AS TO UNI-TER DEFENDANTS' BREACH OF THEIR FIDUCIARY DUTIES</i> Arguments by Mr. Wirthlin and Mr. Ogilvie regarding the merits of and opposition to the motion. Court stated its findings and ORDERED, Plaintiff's Motion for Partial Summary Judgment as to Uni-ter Defendants' Breach of their Fiduciary Duties DENIED, it will come in with regard to the contract. MOTION FOR PARTIAL SUMMARY JUDGMENT REGARDING THE UNI-TER DEFENDANTS FIDUCIARY DUTIES Arguments by Mr. Wirthlin and Mr. Ogilvie regarding the merits of and opposition to the motion. Court stated its findings and ORDERED, Motion for Partial Summary Judgment Regarding the Uni-Ter Defendants Fiduciary Duties DENIED.</p> </p>



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

**PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT AS TO U.S. RE CORPORATION** Arguments by Mr. Wirthlin and Mr. Ogilvie regarding the merits of and opposition to the motion. Court stated its findings and **ORDERED**, Plaintiff's Motion for Partial Summary Judgment as to U.S. RE Corporation **GRANTED IN PART** based on the admissions that they did broker the reinsurance and never became licensed, the affect of that to be determined by the jury; **DENIED IN PART** as to remainder of the motion.

**DEFENDANTS' MOTION IN LIMINE NUMBER 1: TO PRECLUDE MARK D. THARP FROM PROVIDING EXPERT TESTIMONY ON IMPERMISSIBLE LEGAL CONCLUSIONS** Arguments by Mr. Wilson and Mr. Wirthlin regarding the merits of and opposition to the motion. **COURT ORDERED**, Defendants' Motion in Limine Number 1: to Preclude Mark D. Tharp from Providing Expert Testimony on Impermissible Legal Conclusions **GRANTED** reciprocally.

**DEFENDANTS' MOTION IN LIMINE NUMBER 2: TO PRECLUDE MARK D. THARP FROM PROVIDING EXPERT TESTIMONY REGARDING CLAIMS RESERVING AND "SUPPRESSION" OF RESERVES** Arguments by Mr. Wilson and Mr. Wirthlin regarding the merits of and opposition to the motion. Court stated its findings and **ORDERED**, Defendants' Motion in Limine Number 2: to Preclude Mark D. Tharp from Providing Expert Testimony Regarding Claims Reserving and "Suppression" of Reserves **DENIED**.

**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** Arguments by Mr. Wilson and Mr. Wirthlin regarding the merits of and opposition to the motion. Court stated its findings and **ORDERED**, 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 **DENIED**.

**PLAINTIFF'S MOTION IN LIMINE NUMBER 6 TO STRIKE PROFFERED EXPERT WITNESS ALAN GRAY** Arguments by Mr. Wirthlin and Mr. Ogilvie regarding the merits of and opposition to the motion. Court stated its findings and **ORDERED**, Plaintiff's Motion in Limine Number 6 to Strike Proffered Expert Witness Alan Gray **DENIED**.

**PLAINTIFF'S MOTION IN LIMINE NUMBER 1: TO PRECLUDE SAM HEWITT FROM PROVIDING EXPERT TESTIMONY REGARDING INSOLVENCY ANALYSIS** Arguments by Mr. Orme and Mr. Ogilvie regarding the merits of and opposition to the motion. Court stated its findings and **ORDERED**, Plaintiff's Motion in Limine Number 1: to Preclude Sam Hewitt from Providing Expert Testimony Regarding Insolvency Analysis **DENIED**

**PLAINTIFF'S MOTION IN LIMINE NO. 2 TO PRECLUDE TESTIMONY BY JOSEPH PETRELLI, RICHARD LORD AND JIM MURPHY REGARDING UNPERFORMED SOLVENCY ANALYSIS** Arguments by Mr. Wirthlin and Mr. Wilson regarding the merits of and opposition to the motion. **COURT ORDERED**, Plaintiff's Motion in Limine No. 2 to Preclude Testimony by Joseph Petrelli, Richard Lord and Jim Murphy Regarding Unperformed Solvency Analysis **GRANTED IN PART, DENIED IN PART**; Court will preclude any testimony with regard to insolvency however, Mr. Petrelli, Mr. Lord, and Mr. Murphy can talk about how they rated, what they did as an actuary, and what they did as an auditor.

**PLAINTIFF'S MOTION IN LIMINE NUMBER 3 TO PRECLUDE TESTIMONY THAT US RE WAS A LICENSED REINSURANCE BROKER IN NEVADA** Arguments by Mr. Wirthlin and Mr. Wilson regarding the merits of and opposition to the motion. Court stated its findings and **ORDERED**, Plaintiff's Motion in Limine Number 3 to Preclude Testimony that US RE was a Licensed Reinsurance Broker in Nevada **GRANTED**.

**PLAINTIFF'S MOTION IN LIMINE NUMBER 4 TO PRECLUDE ANY REFERENCE TO REINSURANCE ESTIMATES** Arguments by Mr. Orme and Mr. Wilson regarding the merits of and opposition to the motion. Court stated its findings and **ORDERED**, Plaintiff's Motion in Limine Number 4 to Preclude any Reference to Reinsurance Estimates **DENIED**.

**PLAINTIFF'S MOTION IN LIMINE NUMBER 5 TO LIMIT THE SCOPE OF EXPERT WITNESS TESTIMONY REGARDING SPECULATION CONCERNING THE ECONOMY** Arguments by Mr. Wirthlin and Mr. Ogilvie regarding the merits of and opposition to the motion. Court stated its findings and **ORDERED**, Plaintiff's Motion in Limine Number 5 to Limit the Scope of Expert Witness Testimony Regarding Speculation Concerning the Economy **DENIED**, Court will not allow cumulative evidence.

**PLAINTIFF'S MOTION IN LIMINE NUMBER 7 TO PRECLUDE INTRODUCTION OF IRRELEVANT EVIDENCE FROM RECEIVERSHIP ACTION, CASE NO. A-12-672047-C** There being no opposition, **COURT ORDERED**, Plaintiff's Motion in Limine Number 7 to Preclude Introduction of Irrelevant Evidence from Receivership Action, Case No. A-12-672047-C **GRANTED**.

**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** Arguments by Mr. Ogilvie and Mr. Orme regarding the merits of and opposition to the motion. **COURT ORDERED**, 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 **GRANTED IN PART, OVERRULED IN PART**, Plaintiff can prioritize twenty requests for production of

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

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

Journal Entry Details:

# CASE SUMMARY

CASE No. A-14-711535-C

*Robert Greer, representative for Plaintiff also present. JURY PRESENT Testimony and exhibits presented (see worksheets). Plaintiff rests. Testimony and exhibits presented (see worksheets). OUTSIDE THE PRESENCE OF THE JURY Counsel waived the formality of publishing the depositions read to the jury. JURY PRESENT Testimony and exhibits presented (see worksheets). COURT ORDERED, trial CONTINUED. OUTSIDE THE PRESENCE OF THE JURY Colloquy regarding jury instructions and trial schedule. Court recessed for the evening. CONTINUED TO: 10/11/2021 9:30 AM;*

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

*Robert Greer, Receiver, also present. OUTSIDE THE PRESENCE OF THE JURY Colloquy regarding jury instructions. JURY PRESENT Testimony and exhibits presented (see worksheets). Court admonished Jurors for lunch. OUTSIDE THE PRESENCE OF THE JURY Colloquy regarding stipulation to rebuttals. Upon Court's inquiry, parties agreed and confirmed to be able to discuss jury instructions on the continued date. JURY PRESENT Testimony and exhibits presented (see worksheets). Court admonished Jurors for break. OUTSIDE THE PRESENCE OF THE JURY Colloquy regarding trial schedule. JURY PRESENT Testimony and exhibits presented (see worksheets). Court admonished Jurors to go home and informed Jurors of trial schedule. COURT ORDERED, trial CONTINUED. CONTINUED TO: 10/8/2021 9:30 AM;*

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

*INSIDE THE PRESENCE ON THE JURY Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE ON THE JURY Court questioned juror #6 about her ability to continued serving. The Juror stated that she would not be able to serve. COURT ORDERED, JUROR NUMBER SIX, DISMISSED. TRIAL CONTINUES: 10/7/21 11:00 AM;*

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

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

Trial Continues;

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

[illegible]

# CASE SUMMARY

CASE NO. A-14-711535-C

Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Verdict;

Journal Entry Details:

*Also present: Robert Greer, Receiver. OUTSIDE THE PRESENCE OF THE JURY Colloquy regarding note from juror and trial schedule JURY PRESENT Testimony and exhibits presented (see worksheets). OUTSIDE THE PRESENCE OF THE JURY Colloquy regarding note from juror with scheduling conflict. JURY PRESENT Testimony and exhibits presented (see worksheets). OUTSIDE THE PRESENCE OF THE JURY Mr. Wirthlin advised that several exhibits that were stipulated to on September 21, 2021 were skipped in the exhibit binders and no actually exhibits exist for those stipulated exhibits. Mr. Wirthlin further advised that those exhibits need to be un-admitted as well as two other exhibits to depositions that were not provided but admitted. COURT ORDERED, exhibits 204, 210, 216, 220, 228, 233, 239, 240, 242, 252, 343, and 351 STRICKEN as to admittance. Colloquy regarding objections to exhibits Plaintiffs intend to admit with the witness. Court stated a foundation could be laid with the witnesses at the time of testimony to admit the exhibits and no cumulative testimony is to be provided. JURY PRESENT Testimony and exhibits presented (see worksheets). OUTSIDE THE PRESENCE OF THE JURY COURT ORDERED, trial CONTINUED. OUTSIDE THE PRESENCE OF THE JURY Trial recessed for the evening. CONTINUED TO: 9/27/2021 9:30 AM;*

Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Verdict;

Journal Entry Details:

*Also present: Robert Greer, Receiver. OUTSIDE THE PRESENCE OF THE JURY Mr. Withlin stated opposing counsel may be using claims files today and there are privacy issues as to those files. Mr. Wilson stated if he talks about the files he will use first names only and not last names. Mr. Wirthlin stated that would be fine JURY PRESENT Testimony and exhibits presented (see worksheets). COURT ORDERED, trial CONTINUED. OUTSIDE THE PRESENCE OF THE JURY Objections made at side bar placed on the record. Trial recessed for the evening. CONTINUED TO: 9/24/2021 9:30 AM;*

Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;

# CASE SUMMARY

CASE NO. A-14-711535-C

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

*Also present: Robert Greer, Receiver. OUTSIDE THE PRESENCE OF THE JURY Colloquy regarding scope of the next witness. Mr. Wirthlin requested to publish admitted exhibits by providing binders to jurors of admitted exhibits. Mr. Wilson stated he had no objection as long as they were admitted exhibits. Court stated it would allow the binders to be provided to the jurors. JURY PRESENT Testimony and exhibits presented (see worksheets). COURT ORDERED, trial CONTINUED. OUTSIDE THE PRESENCE OF THE JURY Colloquy regarding scheduling of witnesses. Trial recessed for the evening. CONTINUED TO: 9/23/2021 1:00 PM -- ;*

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

*Also present: Robert Greer, Receiver. OUTSIDE THE PRESENCE OF THE JURY Colloquy regarding issues with jury selection and preemptory challenges placed on record. Mr. Ogilve requested proposed jury list and preemptory challenges be made part of the record. Court Clerk stated it would mark those documents as Court's exhibits. Colloquy regarding scheduling issues and depositions of adverse witnesses. Court directed counsel to exchange the depositions and Court will make rulings as to the objections in them. Colloquy regarding stipulated exhibits and objection to jury instruction. JURY PRESENT Exclusionary rule is invoked. Opening statements by Mr. Wirthlin. OUTSIDE THE PRESENCE OF THE JURY Mr. Wilson placed objections on the record regarding opening statements made by Mr. Wirthlin. JURY PRESENT Opening statements by Mr. Wilson. Testimony and exhibits presented (see worksheets). Deposition of Eric E. Stickels was PUBLISHED and FILED IN OPEN COURT. Deposition of Mark Garber (volumes 1 and 2) were PUBLISHED and FILED IN OPEN COURT. Deposition of Mark Garber was PUBLISHED and FILED IN OPEN COURT. Deposition of Steven Charles Fogg was PUBLISHED and FILED IN OPEN COURT. Deposition of Robert W. Hurlbut was PUBLISHED and FILED IN OPEN COURT. COURT ORDERED, trial CONTINUED. OUTSIDE THE PRESENCE OF THE JURY Court recessed for the evening. CONTINUED TO: 9/22/2021 1:00 PM;*

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;



Trial Continues;

Verdict;



# CASE SUMMARY

CASE NO. A-14-711535-C


	<p>Journal Entry Details:</p> <p><i>Also present: Robert Greer, Receiver. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS Colloquy regarding jury selection, resolution of disputed voir dire questions, adverse witnesses, and request to take judicial notice. There being no objection, COURT ORDERED, request to take judicial notice GRANTED. Upon inquiry of Court regarding seating additional alternate jurors, both sides agreed to do so. PROSPECTIVE JURORS PRESENT Prospective jury panel present. Jury and alternate juror selected and sworn. COURT ORDERED, trial CONTINUED. OUTSIDE THE PRESENCE OF THE JURY Court noted there was a issue with the jury selection and the matter could be taken up at the start of trial on September 21, 2021. Trial recessed for the evening. CONTINUED TO: 9/21/2021 9:30 AM ;</i></p>
11/10/2021	<p><b>CANCELED Motion for Order Extending Time</b> (10:00 AM) (Judicial Officer: Bell, Linda Marie)</p> <p><i>Vacated - per Stipulation</i></p> <p><i>Plaintiff's Motion For Order Extending Time For Plaintiff To File Memorandum Of Costs On Order Shortening Time</i></p>
11/24/2021	<p> <b>Motion for Order</b> (10:00 AM) (Judicial Officer: Allf, Nancy)</p> <p><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></p> <p><i>Granted;</i></p> <p>Journal Entry Details:</p> <p><i>Present in Courtroom: George F. Ogilvie, III Present via BlueJeans Videoconferencing Application: Brenoch Wirthlin, Esq. Arguments by counsel regarding the merits of and opposition to the motion. Court stated its findings and ORDERED, 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 GRANTED. Mr. Ogilvie to prepare the order and submit it to opposing counsel for approval as to form.;</i></p>
03/17/2022	<p><b>Motion for Attorney Fees and Costs</b> (9:30 AM) (Judicial Officer: Allf, Nancy)</p> <p><b>03/17/2022, 09/07/2022</b></p> <p><i>Motion for Attorney Fees and Costs</i></p> <p><i>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; Uni-Ter Underwriting Management Corp; Uni-Ter Claims Services Corp; U S Re Corporation</i></p> <p><i>3/17/22</i></p> <p><i>SAO 3/25/22</i></p> <p><i>Granted in Part;</i></p>
05/02/2022	<p> <b>Motion to Amend</b> (3:00 AM) (Judicial Officer: Allf, Nancy)</p> <p><i>Plaintiff's Motion to Amend Pleadings to Conform them to the Evidence</i></p> <p><i>Granted;</i></p> <p>Journal Entry Details:</p> <p><i>COURT FINDS after review that on March 31, 2022, Plaintiffs Motion to Amend Pleadings to Conform Them to the Evidence (Motion to Amend) was filed. A Motion to Amend is scheduled for May 11, 2022, at 9 am on Motion Calendar. COURT FURTHER FINDS after review EDCR 2.20(e) provides in relevant part: [f]ailure of the opposing party to serve and file written opposition may be construed as an admission that the motion and/or joinder is meritorious and a consent to granting the same. COURT FURTHER FINDS after review that no opposition to the Motion to Amend was filed. THEREFORE COURT ORDERS for good cause appearing and after review the Motion to Amend is hereby GRANTED and the matter scheduled for May 11, 2022, at 9 am on Motion Calendar is hereby VACATED. Movant to prepare the Order in compliance with EDCR 7.21 and email it in pdf format to DC27Inbox@ClarkCountyCourts.us CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File &amp; Serve. /nm 5/2/2022;</i></p>
09/07/2022	<p><b>Motion</b> (10:30 AM) (Judicial Officer: Allf, Nancy)</p> <p><i>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)</i></p>

# CASE SUMMARY

CASE NO. A-14-711535-C

	<p>SAO 3/25/22 SAO 5/19/22 Off Calendar;</p>
09/07/2022	<p><b>Motion to Amend</b> (10:30 AM) (Judicial Officer: Allf, Nancy) Events: 02/10/2022 Motion to Amend Judgment <i>Plaintiff's Motion to Alter or Amend Judgment Pursuant to NRCP 59</i> SAO 3/25/22 Granted;</p>
09/07/2022	<p><b>Motion to Retax</b> (10:30 AM) (Judicial Officer: Allf, Nancy) <i>Defendant's Motion to Retax Memorandum of Costs</i> SAO 3/25/22 Granted in Part;</p>
09/07/2022	<p> <b>All Pending Motions</b> (10:30 AM) (Judicial Officer: Allf, Nancy) Matter Heard; Journal Entry Details: <i>Appearances made via the BlueJeans Video Conferencing Application. Court noted impressions and thoughts it had formed regarding the pending motions. MOTION FOR ATTORNEY FEES AND COSTS Arguments by counsel regarding the merits of and opposition to the motion. Court stated its findings and ORDERED, Motion for Attorney Fees and Costs GRANTED with the amount to be determined at a later date; counsel may file unredacted billing records on a sealed basis, so long as they are served to opposing counsel; the records may be redacted as to attorney/client privilege, and not for lock billing. COURT FURTHER ORDERED, fees and costs are to be related to this case, and no costs are to be related to the administration in any way. COURT FURTHER ORDERED miscellaneous costs DISALLOWED unless there is more documentation provided with regard to them; any miscellaneous costs that relate to attorney fees DISALLOWED. COURT FURTHER ORDERED, the apportionment will be JOINT AND SEVERAL as to Uni-Ter and U S Re Corporation; there is no ruling against the directors at this time. COURT FURTHER ORDERED, any costs that were unrelated to the corporate defendants, except for computer related costs, will be DISALLOWED; the receiver is required to re-calculate pre-judgment interest on any costs. COURT FURTHER ORDERED, supplemental information with regard to Greer and Anderson costs, Betty Cordial, travel time, bank fees, off-site storage in West Virginia, and moving storage to be provided and this is TAKEN UNDER SUBMISSION. 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) Upon inquiry of Court if matter should be taken off calendar, Mr. Ogilvie stated it could. COURT ORDERED, 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) OFF CALENDAR. DEFENDANT'S MOTION TO RETAX MEMORANDUM OF COSTS Counsel submitted on their pleadings. Court noted this motion had been addressed in Court s prior ruling as to Plaintiff's Motion for Fees and Costs. Mr. Ogilvie submitted on the pleadings. COURT ORDERED, Defendant's Motion to Retax Memorandum of Costs GRANTED IN PART, DENIED IN PART consistent to the ruling as to the Motion for Fees and Costs. PLAINTIFF'S MOTION TO ALTER OR AMEND JUDGMENT PURSUANT TO NRCP 59 Arguments by Mr. Wirthlin in support of his motion. Mr. Ogilvie submitted on the pleadings. COURT ORDERED, Plaintiff's Motion to Alter or Amend Judgment Pursuant to NRCP 59 GRANTED. Court directed counsel to submit any supplemental pleadings within THIRTY (30) DAYS as to fees and costs. COURT ORDERED, status check SET on a chambers calendar in SIXTY (60) DAYS for Court to rule on the outstanding issues. Mr. Wirthlin stated he would prepare the orders and submit them to opposing counsel. 11/8/2022 (CHAMBERS) STATUS CHECK: RULINGS ON OUTSTANDING ISSUES ;</i></p>
11/08/2022	<p> <b>Status Check</b> (3:00 AM) (Judicial Officer: Allf, Nancy) <i>Status Check: Rulings on Outstanding Issues</i> Minute Order - No Hearing Held; Journal Entry Details:  <i>COURT FINDS after review that on September 7, 2022, all pending motions were heard on Motion Calendar. The Court directed counsel to submit any supplemental pleadings within</i></p>

**CASE SUMMARY****CASE NO. A-14-711535-C**

	<p><i>Thirty (30) Days as to fees and costs. COURT ORDERED, status check set on a chambers calendar in sixty (60) days for Court to rule on the outstanding issues. COURT FINDS after review that on October 7, 2022, a Supplement to Errata to Plaintiff's Verified Memorandum of Costs ( Supplement ) was filed by Plaintiff. COURT FURTHER FINDS after review EDCR 2.20(e) provides in relevant part: [f]ailure of the opposing party to serve and file written opposition may be construed as an admission that the motion and/or joinder is meritorious and a consent to granting the same. COURT FURTHER FINDS after review no opposition to the Supplement has been filed. THEREFORE COURT ORDERS for good cause appearing and after review the Supplement is hereby GRANTED and the matter scheduled for November 8, 2022, on Chamber Calendar is hereby VACATED. Movant to prepare the Order in compliance with EDCR 7.21 and email it in pdf format to DC27Inbox@ClarkCountyCourts.us CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File &amp; Serve. /nm 11/8/2022;</i></p>
11/10/2022	<p> <b>Motion to Dismiss (10:00 AM)</b> (Judicial Officer: Allf, Nancy)</p> <p><i>Motion to Dismiss and Enforce Settlement Agreement on OST</i></p> <p>Off Calendar; Motion to Dismiss and Enforce Settlement Agreement on OST</p> <p>Journal Entry Details:</p> <p><i>Appearances made via the BlueJeans Videoconferencing Application. Arguments by Mr. Wirthlin and Ms. Armstrong regarding the merits of and opposition to the motion. Court stated that due to the filing of the appeal on November 9, 2022, Court is divested of jurisdiction and ORDERED, Motion to Dismiss and Enforce Settlement Agreement on OST OFF CALENDAR. Court noted its advisory opinion as to the motion. Mr. Ogilvie stated he does not believe the Court is divested of jurisdiction due to the appeal and he would brief that in a motion for reconsideration. Plaintiff to prepare the order and submit it to opposing counsel for approval as to form.;</i></p>
12/13/2022	<p><b>Motion to Seal/Redact Records (3:00 AM)</b> (Judicial Officer: Allf, Nancy)</p> <p><i>Plaintiff's Motion to File Appendix to Supplement to Motion for Attorneys' Fees and Costs Under Seal</i></p>

**DATE****FINANCIAL INFORMATION**

<b>Third Party Plaintiff</b> Chur, Robert	
Total Charges	486.00
Total Payments and Credits	486.00
<b>Balance Due as of 11/23/2022</b>	<b>0.00</b>
<b>Third Party Plaintiff</b> Fogg, Steve	
Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 11/23/2022</b>	<b>0.00</b>
<b>Third Party Plaintiff</b> Garber, Mark	
Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 11/23/2022</b>	<b>0.00</b>
<b>Third Party Plaintiff</b> Harter, Carol	
Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 11/23/2022</b>	<b>0.00</b>
<b>Third Party Plaintiff</b> Hurlbut, Robert	
Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 11/23/2022</b>	<b>0.00</b>
<b>Third Party Plaintiff</b> Lumpkin, Barbara	
Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 11/23/2022</b>	<b>0.00</b>
<b>Third Party Plaintiff</b> Marshall, Jeff	
Total Charges	30.00

**CASE SUMMARY****CASE NO. A-14-711535-C**

Total Payments and Credits	30.00
<b>Balance Due as of 11/23/2022</b>	<b>0.00</b>
<b>Third Party Plaintiff</b> Stickels, Eric	
Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 11/23/2022</b>	<b>0.00</b>
<b>Defendant</b> U S Re Corporation	
Total Charges	1,783.00
Total Payments and Credits	1,783.00
<b>Balance Due as of 11/23/2022</b>	<b>0.00</b>
<b>Defendant</b> Uni-Ter Claims Services Corp	
Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 11/23/2022</b>	<b>0.00</b>
<b>Defendant</b> Uni-Ter Underwriting Management Corp	
Total Charges	243.00
Total Payments and Credits	223.00
<b>Balance Due as of 11/23/2022</b>	<b>20.00</b>
<b>Other</b> Public Copy Request	
Total Charges	8.00
Total Payments and Credits	8.00
<b>Balance Due as of 11/23/2022</b>	<b>0.00</b>
<b>Plaintiff</b> Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark	
Total Charges	1,392.50
Total Payments and Credits	1,412.50
<b>Balance Due as of 11/23/2022</b>	<b>(20.00)</b>
<b>Third Party Plaintiff</b> Chur, Robert	
Appeal Bond Balance as of 11/23/2022	<b>500.00</b>
<b>Plaintiff</b> Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark	
Appeal Bond Balance as of 11/23/2022	<b>500.00</b>

## CIVIL COVER SHEET

Clark County, Nevada

Case No. \_\_\_\_\_

(Assigned by Clerk's Office)

XXVI I

**I. Party Information**

## Plaintiff:

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

## Attorney (name/address/phone):

Anthony R. Ager, Esq. (NV Bar #7969)

Fennemore Craig Jones Vargas

300 S. Fourth Street, Suite 1400

Las Vegas, Nevada 89101, Tel. (702) 692-8000

## Defendant(s) (name/address/phone):

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

## Attorney (name/address/phone):

**Civil Cases**

Real Property	Negligence	Torts
<input type="checkbox"/> <b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> <b>Title to Property</b> <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> <b>Condemnation/Eminent Domain</b> <input type="checkbox"/> <b>Other Real Property</b> <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	<input type="checkbox"/> <b>Negligence – Auto</b> <input type="checkbox"/> <b>Negligence – Medical/Dental</b> <input type="checkbox"/> <b>Negligence – Premises Liability</b> (Slip/Fall) <input checked="" type="checkbox"/> <b>Negligence – Other</b>	<input type="checkbox"/> <b>Product Liability</b> <input type="checkbox"/> Product Liability <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> <b>Intentional Misconduct</b> <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> <b>Employment Torts</b> (Wrongful termination) <input type="checkbox"/> <b>Other Torts</b> <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition
Probate	Other Civil Filing Types	
<input type="checkbox"/> <b>Summary Administration</b> <input type="checkbox"/> <b>General Administration</b> <input type="checkbox"/> <b>Special Administration</b> <input type="checkbox"/> <b>Summary Administration</b> <input type="checkbox"/> <b>Set Aside Estates</b> <input type="checkbox"/> <b>Probate Trust/Conservatorships</b> <input type="checkbox"/> <b>Other Probate</b>	<input type="checkbox"/> <b>Construction Defect</b> <input type="checkbox"/> <b>Breach of Contract</b> <input type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Other Contracts/Act/Judgment <input type="checkbox"/> Collection of Actions <input type="checkbox"/> Employment Contract <input type="checkbox"/> Guarantee <input type="checkbox"/> Sale Contract <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> <b>Civil Petition for Judicial Review</b> <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Employer's Insurance of Nevada	
	<input type="checkbox"/> <b>Appeal from Lower Court</b> (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> <b>Civil Writ</b> <input type="checkbox"/> Other Special Proceeding <input type="checkbox"/> <b>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Conversion of Property <input type="checkbox"/> Damage to Property <input type="checkbox"/> Employment Security <input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Foreign Judgment – Civil <input type="checkbox"/> Other Personal Property <input type="checkbox"/> Recovery of Property <input type="checkbox"/> Stockholder Suit <input type="checkbox"/> Other Civil Matters	

**III. Business Court Requested** (Please check applicable category; for Clark or Washoe Counties only.)

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> NRS Chapter 78-88    | <input type="checkbox"/> Investments (NRS 104B)              | <input type="checkbox"/> Enhanced Case Mgmt/Business  |
| <input type="checkbox"/> Commodities (NRS 90) | <input type="checkbox"/> Deceptive Trade Practices (NRS 598) | <input type="checkbox"/> Other Business Court Matters |
| <input type="checkbox"/> Securities (NRS 90)  | <input type="checkbox"/> Trademarks (NRS 600A)               |   |

December 23, 2014

Date

/s/ Karl L. Nielson

Signature of initiating party or representative

**ORDER**

MARK A. HUTCHISON, ESQ. (4639)  
BRENOCH R. WIRTHLIN, ESQ. (10282)  
CHRISTIAN M. ORME, ESQ. (10175)  
10080 West Alta Drive, Suite 200  
Las Vegas, Nevada 89145  
Telephone: (702) 385.2500  
Facsimile: (702) 385.2086  
E-Mail: [mhutchison@hutchlegal.com](mailto:mhutchison@hutchlegal.com)  
[bwirthlin@hutchlegal.com](mailto:bwirthlin@hutchlegal.com)  
[corne@hutchlegal.com](mailto:corne@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

**ORDER DENYING DIRECTOR  
DEFENDANTS' MOTION FOR  
ATTORNEY FEES AND COSTS**

This matter came before the Court for hearing on July 1, 2021 ("Hearing"), on Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' (collectively the "Director Defendants") Motion for Attorneys' Fees and Costs Pursuant to NRCF 68 and NRS Chapter 18 ("Motion") which was filed on May 13, 2021; Plaintiff Commissioner of Insurance for the State of Nevada ("Commissioner" or "Plaintiff") as Receiver of Lewis and Clark LTC Risk Retention Group, Inc. filed her

1 opposition (“Opposition”) to the Motion on June 10, 2021; the Director Defendants having filed  
2 their reply (“Reply”) in support of the Motion on June 24, 2021; the Court having read and  
3 considered the Motion, Opposition, and Reply; Angela T. Nakamura Ochoa, Esq. having appeared  
4 at the Hearing on behalf of the Director Defendants; Brenoch R. Wirthlin, Esq. and Christian M.  
5 Orme, Esq. having appeared on behalf of Plaintiff; George F. Ogilvie III, Esq. having appeared on  
6 behalf of Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp.,  
7 and U.S. RE Corporation (“Uni-Ter Defendants”); the Court having heard and considered the  
8 arguments of counsel at the Hearing on the Motion; good cause appearing,

9         THE COURT HEREBY FINDS that NRS § 696B.565(1), “[t]he Commissioner, as  
10 receiver, all present and former deputy receivers, special deputy receivers and their employees,  
11 and the other officers, agents, employees and attorneys of the Division [of Insurance] are  
12 immune from liability, both personally and in their official capacities, for any claim for damage  
13 to or loss of property or personal injury or other civil liability caused by or resulting from any  
14 alleged act, error or omission of the officers, agents, employees and attorneys of the Division  
15 arising out of or by reason of their duties or employment.”

16  
17         THE COURT HEREBY FURTHER FINDS that pursuant to NRS § 696B.565(3), “[t]he  
18 Commissioner, all present and former deputy receivers, special deputy receivers and their  
19 employees, and the other officers, agents, employees and attorneys of the Division must be  
20 indemnified for all expenses, attorney's fees, judgments, settlements, decrees, or amounts due or  
21 paid in satisfaction of, or incurred in the defense of, such a legal action, unless it is determined  
22 upon a final adjudication on the merits of the case that the alleged acts, error or omission of the  
23 officer, agent, employee or attorney of the division did not arise out of or by reason of his or her  
24 duties or employment and was caused by actual malice.”

25  
26         THE COURT HEREBY FURTHER FINDS that if the Director Defendants’ request was  
27 not otherwise barred by statutory immunity, the Offer of Judgment was both reasonable in  
28 amount and timing, as it was made after a mediation and almost four years after the filing of the

1 Complaint. Additionally, the fees and costs sought were reasonable in light of the qualities of  
2 counsel, the character of the work done, the work actually performed, and the rates charged and  
3 the results.

4 Based upon the foregoing, good cause appearing, and after review,

5 IT IS HEREBY ORDERED that the Director Defendants' Motion for Attorneys' Fees  
6 and Costs Pursuant to NRCP 68 and NRS Chapter 18 is hereby DENIED in its entirety.  
7

8 DATED this 21 day of July, 2021.

9  
10 Dated this 21st day of July, 2021

*Nancy L Alif*

11 Respectfully submitted by:

TW

12 Dated this 15th day of July, 2021.

**AD9 260 B818 D6E9**  
**Nancy Alif**  
**District Court Judge**

13 HUTCHISON & STEFFEN

14 /s/  
15 BRENOCH R. WIRTHLIN, ESQ.

16 Nevada Bar No. 10282

17 CHRIS ORME, ESQ.

Nevada Bar No. 10175

**HUTCHISON & STEFFEN**

18 Peccole Professional Park

10080 West Alta Drive, Suite 200

19 Las Vegas, Nevada 89145

*Attorneys for Plaintiff*

20  
21 APPROVED AS TO FORM:

22 Dated this \_\_\_\_ day of July, 2021.

23 LIPSON NEILSON

24  
25 Joseph P. Garin, Esq.

Nevada Bar No. 6653

26 Angela T. Nakamura Ochoa, Esq.

Nevada Bar No. 10164

27 9555 Hillwood Dr., 2<sup>nd</sup> Floor

28 Las Vegas, Nevada 89134

*Attorneys for the Director Defendants*



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Commissioner of Insurance for  
7 the State of Nevada as Receiver  
of Lewis and Clark, Plaintiff(s)

CASE NO: A-14-711535-C

DEPT. NO. Department 27

8 vs.

9 Robert Chur, Defendant(s)

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 7/21/2021

16 Adrina Harris .	aharris@fclaw.com
17 Angela T. Nakamura Ochoa .	aochoa@lipsonneilson.com
18 Ashley Scott-Johnson .	ascott-johnson@lipsonneilson.com
19 Brenoch Wirthlin .	bwirthli@fclaw.com
20 CaraMia Gerard .	cgerard@mcdonaldcarano.com
21 George F. Ogilvie III .	gogilvie@mcdonaldcarano.com
22 Jessica Ayala .	jayala@fclaw.com
23 Joanna Grigoriev .	jgrigoriev@ag.nv.gov
24 Jon M. Wilson .	jwilson@broadandcassel.com
25 Kathy Barrett .	kbarrett@mcdonaldcarano.com

26  
27  
28

1	Marilyn Millam .	mmillam@ag.nv.gov
2	Nevada Attorney General .	wiznetfilings@ag.nv.gov
3	Paul Garcia .	pgarcia@fclaw.com
4	Renee Rittenhouse .	rrittenhouse@lipsonneilson.com
5	Rory Kay .	rkay@mcdonaldcarano.com
6	Susana Nutt .	snutt@lipsonneilson.com
7	Yusimy Bordes .	ybordes@broadandcassel.com
8	Jelena Jovanovic .	jjovanovic@mcdonaldcarano.com
9	Christian Orme	corne@hutchlegal.com
10	Patricia Lee	plee@hutchlegal.com
11	Kimberly Freedman	kfreedman@broadandcassel.com
12	Danielle Kelley	dkelley@hutchlegal.com
13	Karen Surowiec	ksurowiec@mcdonaldcarano.com
14	Jonathan Wong	jwong@lipsonneilson.com
15	Erin Kolmansberger	erin.kolmansberger@nelsonmullins.com
16	Melissa Gomberg	melissa.gomberg@nelsonmullins.com
17	Betsy Gould	bgould@doi.nv.gov
18	Juan Cerezo	jcerezo@lipsonneilson.com
19	Heather Bennett	hshepherd@hutchlegal.com
20	Brenoch Wirthlin	bwirthlin@klnevada.com
21	Jon Linder	jlinder@klnevada.com
22	S. Dianne Pomonis	dpomonis@klnevada.com
23	Brenoch Wirthlin	bwirthlin@hutchlegal.com
24		
25		
26		
27		
28		

1 Jon Linder

jlinder@hutchlegal.com

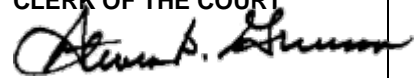
2  
3 If indicated below, a copy of the above mentioned filings were also served by mail  
4 via United States Postal Service, postage prepaid, to the parties listed below at their last  
5 known addresses on 7/22/2021

6 George Ogilvie

McDonald Carano Wilson LLP  
Attn: George F. Ogilvie, III  
2300 West Sahara Avenue - Suite 1200  
Las Vegas, NV, 89102

8 Joseph Garin

Lipson Neilson P.C.  
Attn: Joseph P. Garin  
9900 Covington Cross Drive, Suite 120  
Las Vegas, NV, 89144



1 **NEO**

2 MARK A. HUTCHISON, ESQ. (4639)

3 BRENOCH R. WIRTHLIN, ESQ. (10282)

4 CHRISTIAN ORME, ESQ. (10175)

5 **HUTCHISON & STEFFEN**

6 10080 West Alta Drive, Suite 200

7 Las Vegas, Nevada 89145

8 Telephone: (702) 385.2500

9 Facsimile: (702) 385.2086

10 E-Mail: [mhutchison@hutchlegal.com](mailto:mhutchison@hutchlegal.com)

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

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

13 *Attorneys for Plaintiff*

14 **DISTRICT COURT**

15 **CLARK COUNTY, NEVADA**

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

20 Plaintiff,

21 vs.

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

Defendants.

Case No.: A-14-711535-C

Dept. No.: XXVII

**NOTICE OF ENTRY OF ORDER**

Please take notice that an Order Denying Director Defendants' Motion for Attorney Fees  
and Costs was entered on the 21st day of July, 2021,

///

///

///

1 a copy of which is attached hereto.

2 DATED this 26th day of July, 2021.

3 HUTCHISON & STEFFEN

4  
5 By /s/Brenoch Wirthlin  
6 MARK A. HUTCHISON, ESQ. (4639)  
7 BRENOCH R. WIRTHLIN, ESQ. (10282)  
8 CHRISTIAN ORME, ESQ. (10175)  
9 10080 West Alta Drive, Suite 200  
10 Las Vegas, Nevada 89145  
11 *Attorneys for Plaintiff*  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that on this 26th day of July, 2021, I caused the document entitled **NOTICE OF ENTRY OF ORDER** to be served on the following by Electronic Service to:

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

/s/Danielle Kelley  
An Employee of Hutchison & Steffen, PLLC

**ORDER**

MARK A. HUTCHISON, ESQ. (4639)  
BRENOCH R. WIRTHLIN, ESQ. (10282)  
CHRISTIAN M. ORME, ESQ. (10175)  
10080 West Alta Drive, Suite 200  
Las Vegas, Nevada 89145  
Telephone: (702) 385.2500  
Facsimile: (702) 385.2086  
E-Mail: [mhutchison@hutchlegal.com](mailto:mhutchison@hutchlegal.com)  
[bwirthlin@hutchlegal.com](mailto:bwirthlin@hutchlegal.com)  
[corne@hutchlegal.com](mailto:corne@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

**ORDER DENYING DIRECTOR  
DEFENDANTS' MOTION FOR  
ATTORNEY FEES AND COSTS**

This matter came before the Court for hearing on July 1, 2021 ("Hearing"), on Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' (collectively the "Director Defendants") Motion for Attorneys' Fees and Costs Pursuant to NRCP 68 and NRS Chapter 18 ("Motion") which was filed on May 13, 2021; Plaintiff Commissioner of Insurance for the State of Nevada ("Commissioner" or "Plaintiff") as Receiver of Lewis and Clark LTC Risk Retention Group, Inc. filed her



1 opposition (“Opposition”) to the Motion on June 10, 2021; the Director Defendants having filed  
2 their reply (“Reply”) in support of the Motion on June 24, 2021; the Court having read and  
3 considered the Motion, Opposition, and Reply; Angela T. Nakamura Ochoa, Esq. having appeared  
4 at the Hearing on behalf of the Director Defendants; Brenoch R. Wirthlin, Esq. and Christian M.  
5 Orme, Esq. having appeared on behalf of Plaintiff; George F. Ogilvie III, Esq. having appeared on  
6 behalf of Defendants Uni-Ter Underwriting Management Corp., Uni-Ter Claims Services Corp.,  
7 and U.S. RE Corporation (“Uni-Ter Defendants”); the Court having heard and considered the  
8 arguments of counsel at the Hearing on the Motion; good cause appearing,

9       THE COURT HEREBY FINDS that NRS § 696B.565(1), “[t]he Commissioner, as  
10 receiver, all present and former deputy receivers, special deputy receivers and their employees,  
11 and the other officers, agents, employees and attorneys of the Division [of Insurance] are  
12 immune from liability, both personally and in their official capacities, for any claim for damage  
13 to or loss of property or personal injury or other civil liability caused by or resulting from any  
14 alleged act, error or omission of the officers, agents, employees and attorneys of the Division  
15 arising out of or by reason of their duties or employment.”

17       THE COURT HEREBY FURTHER FINDS that pursuant to NRS § 696B.565(3), “[t]he  
18 Commissioner, all present and former deputy receivers, special deputy receivers and their  
19 employees, and the other officers, agents, employees and attorneys of the Division must be  
20 indemnified for all expenses, attorney's fees, judgments, settlements, decrees, or amounts due or  
21 paid in satisfaction of, or incurred in the defense of, such a legal action, unless it is determined  
22 upon a final adjudication on the merits of the case that the alleged acts, error or omission of the  
23 officer, agent, employee or attorney of the division did not arise out of or by reason of his or her  
24 duties or employment and was caused by actual malice.”

26       THE COURT HEREBY FURTHER FINDS that if the Director Defendants’ request was  
27 not otherwise barred by statutory immunity, the Offer of Judgment was both reasonable in  
28 amount and timing, as it was made after a mediation and almost four years after the filing of the

1 Complaint. Additionally, the fees and costs sought were reasonable in light of the qualities of  
2 counsel, the character of the work done, the work actually performed, and the rates charged and  
3 the results.

4 Based upon the foregoing, good cause appearing, and after review,

5 IT IS HEREBY ORDERED that the Director Defendants' Motion for Attorneys' Fees  
6 and Costs Pursuant to NRCP 68 and NRS Chapter 18 is hereby DENIED in its entirety.  
7

8 DATED this 21 day of July, 2021.

9  
10 Dated this 21st day of July, 2021

*Nancy L Alif*

11 Respectfully submitted by:

TW

12 Dated this 15th day of July, 2021.

**AD9 260 B818 D6E9**  
**Nancy Alif**  
**District Court Judge**

13 HUTCHISON & STEFFEN

14 /s/  
15 BRENOCH R. WIRTHLIN, ESQ.

16 Nevada Bar No. 10282

17 CHRIS ORME, ESQ.

Nevada Bar No. 10175

**HUTCHISON & STEFFEN**

18 Peccole Professional Park

10080 West Alta Drive, Suite 200

19 Las Vegas, Nevada 89145

*Attorneys for Plaintiff*

20  
21 APPROVED AS TO FORM:

22 Dated this \_\_\_\_ day of July, 2021.

23 LIPSON NEILSON

24  
25 Joseph P. Garin, Esq.

Nevada Bar No. 6653

26 Angela T. Nakamura Ochoa, Esq.

Nevada Bar No. 10164

27 9555 Hillwood Dr., 2<sup>nd</sup> Floor

28 Las Vegas, Nevada 89134

*Attorneys for the Director Defendants*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Commissioner of Insurance for  
7 the State of Nevada as Receiver  
of Lewis and Clark, Plaintiff(s)

CASE NO: A-14-711535-C

DEPT. NO. Department 27

8 vs.

9 Robert Chur, Defendant(s)  
10

11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 7/21/2021

16 Adrina Harris .	aharris@fclaw.com
17 Angela T. Nakamura Ochoa .	aochoa@lipsonneilson.com
18 Ashley Scott-Johnson .	ascott-johnson@lipsonneilson.com
19 Brenoch Wirthlin .	bwirthli@fclaw.com
20 CaraMia Gerard .	cgerard@mcdonaldcarano.com
21 George F. Ogilvie III .	gogilvie@mcdonaldcarano.com
22 Jessica Ayala .	jayala@fclaw.com
23 Joanna Grigoriev .	jgrigoriev@ag.nv.gov
24 Jon M. Wilson .	jwilson@broadandcassel.com
25 Kathy Barrett .	kbarrett@mcdonaldcarano.com

26  
27  
28

1	Marilyn Millam .	mmillam@ag.nv.gov
2	Nevada Attorney General .	wiznetfilings@ag.nv.gov
3	Paul Garcia .	pgarcia@fclaw.com
4	Renee Rittenhouse .	rrittenhouse@lipsonneilson.com
5	Rory Kay .	rkay@mcdonaldcarano.com
6	Susana Nutt .	snutt@lipsonneilson.com
7	Yusimy Bordes .	ybordes@broadandcassel.com
8	Jelena Jovanovic .	jjovanovic@mcdonaldcarano.com
9	Christian Orme	corne@hutchlegal.com
10	Patricia Lee	plee@hutchlegal.com
11	Kimberly Freedman	kfreedman@broadandcassel.com
12	Danielle Kelley	dkelley@hutchlegal.com
13	Karen Surowiec	ksurowiec@mcdonaldcarano.com
14	Jonathan Wong	jwong@lipsonneilson.com
15	Erin Kolmansberger	erin.kolmansberger@nelsonmullins.com
16	Melissa Gomberg	melissa.gomberg@nelsonmullins.com
17	Betsy Gould	bgould@doi.nv.gov
18	Juan Cerezo	jcerezo@lipsonneilson.com
19	Heather Bennett	hshepherd@hutchlegal.com
20	Brenoch Wirthlin	bwirthlin@klnevada.com
21	Jon Linder	jlinder@klnevada.com
22	S. Dianne Pomonis	dpomonis@klnevada.com
23	Brenoch Wirthlin	bwirthlin@hutchlegal.com
24		
25		
26		
27		
28		

1 Jon Linder

jlinder@hutchlegal.com

2  
3 If indicated below, a copy of the above mentioned filings were also served by mail  
4 via United States Postal Service, postage prepaid, to the parties listed below at their last  
5 known addresses on 7/22/2021

6 George Ogilvie

McDonald Carano Wilson LLP  
Attn: George F. Ogilvie, III  
2300 West Sahara Avenue - Suite 1200  
Las Vegas, NV, 89102

8 Joseph Garin

Lipson Neilson P.C.  
Attn: Joseph P. Garin  
9900 Covington Cross Drive, Suite 120  
Las Vegas, NV, 89144

**ORDER**

MARK A. HUTCHISON, ESQ. (4639)  
BRENOCH R. WIRTHLIN, ESQ. (10282)  
CHRISTIAN M. ORME, ESQ. (10175)  
10080 West Alta Drive, Suite 200  
Las Vegas, Nevada 89145  
Telephone: (702) 385.2500  
Facsimile: (702) 385.2086  
E-Mail: [mhutchison@hutchlegal.com](mailto:mhutchison@hutchlegal.com)  
[bwirthlin@hutchlegal.com](mailto:bwirthlin@hutchlegal.com)  
[corne@hutchlegal.com](mailto:corne@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

**ORDER DENYING PLAINTIFF'S  
MOTION TO RETAX AND SETTLE  
COSTS OF DIRECTOR DEFENDANTS**

This matter was set for hearing before the Court on the July 1, 2021, Motions calendar on Plaintiff Commissioner of Insurance for the State of Nevada ("Plaintiff" or "Commissioner") as Receiver of Lewis & Clark LTC Risk Retention Group, Inc.'s Motion to Retax and Settle Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall,

1 and Eric Stickels’<sup>1</sup> Verified Memorandum of Costs and Disbursements (“Motion to Retax”) which  
2 was filed on August 21, 2020; the Director Defendants having filed their opposition (“Opposition”)  
3 to the Motion on May 13, 2021; Plaintiff having filed her reply in support of the Motion on June  
4 24, 2021; the Court having read and considered the Motion, Opposition, and Reply; good cause  
5 appearing,

6 THE COURT HEREBY FINDS after review that NRS 696B.565(3) provides: The  
7 Commissioner, all present and former deputy receivers, special deputy receivers and their  
8 employees, and the other officers, agents, employees and attorneys of the Division must be  
9 indemnified for all expenses, attorney s fees, judgments, settlements decrees, or amounts due or  
10 paid in satisfaction of, or incurred in the defense of, such a legal action, unless it is determined  
11 upon a final adjudication on the merits of the case that the alleged acts, error or omission of the  
12 officer, agent, employee or attorney of the division did not arise out of or by reason of his or her  
13 duties or employment and was caused by actual malice.  
14

15 THE COURT HEREBY FINDS that the Director Defendants filed a motion for attorney fees  
16 and costs which was denied by the Court, rendering the Motion to Retax moot.

17 THEREFORE COURT ORDERS for good cause appearing and after review that the Motion  
18 to Retax is hereby DENIED and the matter scheduled on July 1, 2021 on Motions calendar is  
19

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26

27

28 <sup>1</sup> Collectively the “Director Defendants.”



1 hereby VACATED.

Dated this 16th day of July, 2021

2 July 15, 2021

*Nancy L Alif*

TW

5 Respectfully submitted by:

1E9 3D1 86DD F3FB  
Nancy Alif  
District Court Judge

6 Dated this 15th day of July, 2021.

7 HUTCHISON & STEFFEN

8 /s/Brenoch Wirthlin

9 BRENOCH R. WIRTHLIN, ESQ.

10 Nevada Bar No. 10282

11 CHRIS ORME, ESQ.

12 Nevada Bar No. 10175

13 **HUTCHISON & STEFFEN**

14 Peccole Professional Park

15 10080 West Alta Drive, Suite 200

16 Las Vegas, Nevada 89145

17 *Attorneys for Plaintiff*

16 APPROVED AS TO FORM:

17 Dated this \_\_\_\_ day of July, 2021.

18 LIPSON NEILSON

19 Declined

20 Joseph P. Garin, Esq.

21 Nevada Bar No. 6653

22 Angela T. Nakamura Ochoa, Esq.

23 Nevada Bar No. 10164

24 9555 Hillwood Dr., 2<sup>nd</sup> Floor

25 Las Vegas, Nevada 89134

26 *Attorneys for the Director Defendants*

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Commissioner of Insurance for  
7 the State of Nevada as Receiver  
of Lewis and Clark, Plaintiff(s)

CASE NO: A-14-711535-C

DEPT. NO. Department 27

8 vs.

9 Robert Chur, Defendant(s)

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 7/16/2021

16 Adrina Harris .	aharris@fclaw.com
17 Angela T. Nakamura Ochoa .	aochoa@lipsonneilson.com
18 Ashley Scott-Johnson .	ascott-johnson@lipsonneilson.com
19 Brenoch Wirthlin .	bwirthli@fclaw.com
20 CaraMia Gerard .	cgerard@mcdonaldcarano.com
21 George F. Ogilvie III .	gogilvie@mcdonaldcarano.com
22 Jessica Ayala .	jayala@fclaw.com
23 Joanna Grigoriev .	jgrigoriev@ag.nv.gov
24 Jon M. Wilson .	jwilson@broadandcassel.com
25 Kathy Barrett .	kbarrett@mcdonaldcarano.com

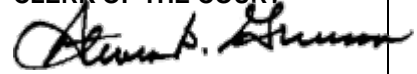
26  
27  
28

1	Marilyn Millam .	mmillam@ag.nv.gov
2	Nevada Attorney General .	wiznetfilings@ag.nv.gov
3	Paul Garcia .	pgarcia@fclaw.com
4	Renee Rittenhouse .	rrittenhouse@lipsonneilson.com
5	Rory Kay .	rkay@mcdonaldcarano.com
6	Susana Nutt .	snutt@lipsonneilson.com
7	Yusimy Bordes .	ybordes@broadandcassel.com
8	Jelena Jovanovic .	jjovanovic@mcdonaldcarano.com
9	Christian Orme	corne@hutchlegal.com
10	Patricia Lee	plee@hutchlegal.com
11	Kimberly Freedman	kfreedman@broadandcassel.com
12	Danielle Kelley	dkelley@hutchlegal.com
13	Karen Surowiec	ksurowiec@mcdonaldcarano.com
14	Jonathan Wong	jwong@lipsonneilson.com
15	Erin Kolmansberger	erin.kolmansberger@nelsonmullins.com
16	Melissa Gomberg	melissa.gomberg@nelsonmullins.com
17	Betsy Gould	bgould@doi.nv.gov
18	Juan Cerezo	jcerezo@lipsonneilson.com
19	Heather Bennett	hshepherd@hutchlegal.com
20	Brenoch Wirthlin	bwirthlin@klnevada.com
21	Jon Linder	jlinder@klnevada.com
22	S. Dianne Pomonis	dpomonis@klnevada.com
23	Brenoch Wirthlin	bwirthlin@hutchlegal.com
24		
25		
26		
27		
28		

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Jon Linder

jlinder@hutchlegal.com



1 **NEO**

2 MARK A. HUTCHISON, ESQ. (4639)

3 BRENOCH R. WIRTHLIN, ESQ. (10282)

4 CHRISTIAN ORME, ESQ. (10175)

5 **HUTCHISON & STEFFEN**

6 10080 West Alta Drive, Suite 200

7 Las Vegas, Nevada 89145

8 Telephone: (702) 385.2500

9 Facsimile: (702) 385.2086

10 E-Mail: [mhutchison@hutchlegal.com](mailto:mhutchison@hutchlegal.com)

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

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

13 *Attorneys for Plaintiff*

14 **DISTRICT COURT**

15 **CLARK COUNTY, NEVADA**

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

20 Plaintiff,

21 vs.

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

Defendants.

Case No.: A-14-711535-C

Dept. No.: XXVII

**NOTICE OF ENTRY OF ORDER**

Please take notice that an Order Denying Plaintiff's Motion to Retax and Settle Costs of  
Director Defendants was entered on the 16th day of July, 2021,

///

///

///

1 a copy of which is attached hereto.

2 DATED this 29th day of July, 2021.

3 HUTCHISON & STEFFEN

4  
5 By /s/Brenoch Wirthlin  
6 MARK A. HUTCHISON, ESQ. (4639)  
7 BRENOCH R. WIRTHLIN, ESQ. (10282)  
8 CHRISTIAN ORME, ESQ. (10175)  
9 10080 West Alta Drive, Suite 200  
10 Las Vegas, Nevada 89145  
11 *Attorneys for Plaintiff*  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that on this 29th day of July, 2021, I caused the document entitled **NOTICE OF ENTRY OF ORDER** to be served on the following by Electronic Service to:

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

/s/Danielle Kelley  
An Employee of Hutchison & Steffen, PLLC

**ORDER**

MARK A. HUTCHISON, ESQ. (4639)  
BRENOCH R. WIRTHLIN, ESQ. (10282)  
CHRISTIAN M. ORME, ESQ. (10175)  
10080 West Alta Drive, Suite 200  
Las Vegas, Nevada 89145  
Telephone: (702) 385.2500  
Facsimile: (702) 385.2086  
E-Mail: [mhutchison@hutchlegal.com](mailto:mhutchison@hutchlegal.com)  
[bwirthlin@hutchlegal.com](mailto:bwirthlin@hutchlegal.com)  
[corne@hutchlegal.com](mailto:corne@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

**ORDER DENYING PLAINTIFF'S  
MOTION TO RETAX AND SETTLE  
COSTS OF DIRECTOR DEFENDANTS**

This matter was set for hearing before the Court on the July 1, 2021, Motions calendar on Plaintiff Commissioner of Insurance for the State of Nevada ("Plaintiff" or "Commissioner") as Receiver of Lewis & Clark LTC Risk Retention Group, Inc.'s Motion to Retax and Settle Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall,



1 and Eric Stickels’<sup>1</sup> Verified Memorandum of Costs and Disbursements (“Motion to Retax”) which  
2 was filed on August 21, 2020; the Director Defendants having filed their opposition (“Opposition”)  
3 to the Motion on May 13, 2021; Plaintiff having filed her reply in support of the Motion on June  
4 24, 2021; the Court having read and considered the Motion, Opposition, and Reply; good cause  
5 appearing,

6 THE COURT HEREBY FINDS after review that NRS 696B.565(3) provides: The  
7 Commissioner, all present and former deputy receivers, special deputy receivers and their  
8 employees, and the other officers, agents, employees and attorneys of the Division must be  
9 indemnified for all expenses, attorney s fees, judgments, settlements decrees, or amounts due or  
10 paid in satisfaction of, or incurred in the defense of, such a legal action, unless it is determined  
11 upon a final adjudication on the merits of the case that the alleged acts, error or omission of the  
12 officer, agent, employee or attorney of the division did not arise out of or by reason of his or her  
13 duties or employment and was caused by actual malice.  
14

15 THE COURT HEREBY FINDS that the Director Defendants filed a motion for attorney fees  
16 and costs which was denied by the Court, rendering the Motion to Retax moot.

17 THEREFORE COURT ORDERS for good cause appearing and after review that the Motion  
18 to Retax is hereby DENIED and the matter scheduled on July 1, 2021 on Motions calendar is  
19

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26

27

28 <sup>1</sup> Collectively the “Director Defendants.”

1 hereby VACATED.

Dated this 16th day of July, 2021

2 July 15, 2021

*Nancy L Alif*

TW

5 Respectfully submitted by:

1E9 3D1 86DD F3FB  
Nancy Alif  
District Court Judge

6 Dated this 15th day of July, 2021.

7 HUTCHISON & STEFFEN

8 /s/Brenoch Wirthlin

9 BRENOCH R. WIRTHLIN, ESQ.

10 Nevada Bar No. 10282

11 CHRIS ORME, ESQ.

12 Nevada Bar No. 10175

13 **HUTCHISON & STEFFEN**

14 Peccole Professional Park

10080 West Alta Drive, Suite 200

13 Las Vegas, Nevada 89145

14 *Attorneys for Plaintiff*

16 APPROVED AS TO FORM:

17 Dated this \_\_\_\_ day of July, 2021.

18 LIPSON NEILSON

19 Declined

20 Joseph P. Garin, Esq.

21 Nevada Bar No. 6653

22 Angela T. Nakamura Ochoa, Esq.

23 Nevada Bar No. 10164

24 9555 Hillwood Dr., 2<sup>nd</sup> Floor

25 Las Vegas, Nevada 89134

26 *Attorneys for the Director Defendants*

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Commissioner of Insurance for  
7 the State of Nevada as Receiver  
of Lewis and Clark, Plaintiff(s)

CASE NO: A-14-711535-C

DEPT. NO. Department 27

8 vs.

9 Robert Chur, Defendant(s)  
10

11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 7/16/2021

16 Adrina Harris .	aharris@fclaw.com
17 Angela T. Nakamura Ochoa .	aochoa@lipsonneilson.com
18 Ashley Scott-Johnson .	ascott-johnson@lipsonneilson.com
19 Brenoch Wirthlin .	bwirthli@fclaw.com
20 CaraMia Gerard .	cgerard@mcdonaldcarano.com
21 George F. Ogilvie III .	gogilvie@mcdonaldcarano.com
22 Jessica Ayala .	jayala@fclaw.com
23 Joanna Grigoriev .	jgrigoriev@ag.nv.gov
24 Jon M. Wilson .	jwilson@broadandcassel.com
25 Kathy Barrett .	kbarrett@mcdonaldcarano.com

26  
27  
28

1	Marilyn Millam .	mmillam@ag.nv.gov
2	Nevada Attorney General .	wiznetfilings@ag.nv.gov
3	Paul Garcia .	pgarcia@fclaw.com
4	Renee Rittenhouse .	rrittenhouse@lipsonneilson.com
5	Rory Kay .	rkay@mcdonaldcarano.com
6	Susana Nutt .	snutt@lipsonneilson.com
7	Yusimy Bordes .	ybordes@broadandcassel.com
8	Jelena Jovanovic .	jjovanovic@mcdonaldcarano.com
9	Christian Orme	corne@hutchlegal.com
10	Patricia Lee	plee@hutchlegal.com
11	Kimberly Freedman	kfreedman@broadandcassel.com
12	Danielle Kelley	dkelley@hutchlegal.com
13	Karen Surowiec	ksurowiec@mcdonaldcarano.com
14	Jonathan Wong	jwong@lipsonneilson.com
15	Erin Kolmansberger	erin.kolmansberger@nelsonmullins.com
16	Melissa Gomberg	melissa.gomberg@nelsonmullins.com
17	Betsy Gould	bgould@doi.nv.gov
18	Juan Cerezo	jcerezo@lipsonneilson.com
19	Heather Bennett	hshepherd@hutchlegal.com
20	Brenoch Wirthlin	bwirthlin@klnevada.com
21	Jon Linder	jlinder@klnevada.com
22	S. Dianne Pomonis	dpomonis@klnevada.com
23	Brenoch Wirthlin	bwirthlin@hutchlegal.com
24		
25		
26		
27		
28		

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Jon Linder

jlinder@hutchlegal.com

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence****COURT MINUTES****January 27, 2016**

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)
---------------	--

<b>January 27, 2016</b>	<b>10:00 AM</b>	<b>Motion to Dismiss</b>	<b>Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall, and Eric Stickels' Motion to Dismiss</b>
-------------------------	-----------------	--------------------------	--

**HEARD BY:** Alf, Nancy**COURTROOM:** RJC Courtroom 03A**COURT CLERK:** Nicole McDevitt  
Cynthia Moleres**RECORDER:** Traci Rawlinson**REPORTER:****PARTIES**

<b>PRESENT:</b>	Nakamura Ochoa, Angela T.	Attorney
	Nielson, Karl L	Attorney
	Ogilvie, George F., III	Attorney
	Wirthlin, Brenoch	Attorney

**JOURNAL ENTRIES**

- Arguments by Ms. Ochoa and Mr. Wirthlin regarding the merits of and opposition to the motion. Mr. Ogilvie stated he had nothing to add. Court stated its findings and ORDERED, Defendants Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin, Jeff Marshall and Erick Stickels' Motion to Dismiss GRANTED IN PART/DENIED IN PART, as to the first cause of action GRANTED, with 30 days, from entry of the order, leave to amend; as to the

second cause of action, if Plaintiffs choose to amend the first cause of action, the second cause of action will proceed. Ms. Ochoa to prepare the order and submit it to counsel for approval.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence****COURT MINUTES****February 19, 2016**

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)
---------------	--

**February 19, 2016****3:00 AM****Minute Order**

**Minute Order:  
Motino to Associate  
Counsel set 3/1/2016  
GRANTED and  
VACATED**

**HEARD BY:** Alf, Nancy**COURTROOM:** No Location**COURT CLERK:** Nicole McDevitt**RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- COURT FINDS after review that Defendants U.S. RE Corporation, Uni-Ter Underwriting Corp., and Uni-Ter Claims Services Corp. filed a Motion to Associate Counsel, Jon M. Wilson, Esq. on January 26, 2016, with a hearing set for Chambers Calendar on March 1, 2016. COURT FURTHER FINDS after review the Motion is in compliance with SCR 42 and all parties have filed Non-Oppositions.

COURT ORDERS after review, for good cause appearing and pursuant to EDCR 2.20 (e), failure to file an opposition may be construed as an admission that the motion is meritorious and consent to granting the same, that Defendants U.S. RE Corporation, Uni-Ter Underwriting Corp., and Uni-Ter Claims Services Corp. s Motion to Associate Counsel is GRANTED; Hearing on CHAMBERS CALENDAR on March 1, 2016 is VACATED. An Order has already been provided to the Court.

CLERK'S NOTE: A copy of this minute order was faxed to: James L. Wadhams, Esq. (702-692-8099), Joseph P. Garin, Esq. (702-382-1512), and George F. Ogilvie III, Esq. (702-873-9966).





**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**February 25, 2016**

---

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)

---

**February 25, 2016      10:30 AM      All Pending Motions**

**HEARD BY:** Allf, Nancy      **COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Traci Rawlinson

**REPORTER:**

**PARTIES**

**PRESENT:**      Ogilvie, George F., III      Attorney  
                         Wirthlin, Brenoch      Attorney

**JOURNAL ENTRIES**

- DEFENDANTS UNI-TER UNDERWRITING MANAGEMENT CORP. AND UNI-TER CLAIMS SERVICES CORP.'S MOTION TO DISMISS...DEFENDANT U.S. RE CORPORATION'S MOTION TO DISMISS

John Wilson, Pro Hac Vice, also present.

Arguments by counsel regarding the merits of and oppositions to the pending motions. COURT ORDERED, Defendants Uni-Ter Underwriting Management Corp. and Uni-Ter Claims Services Corp's Motion to Dismiss...Defendant U.S. RE Corporation's Motion to Dismiss CONTINUED TO CHAMBERS for Court to review additional case law and provide a written decision, if decision is not ready by continuance then Court will issue a minute order letting counsel know.

3/15/2016 (CHAMBERS) DECISION: DEFENDANTS UNI-TER UNDERWRITING MANAGEMENT CORP. AND UNI-TER CLAIMS SERVICES CORP.'S MOTION TO DISMISS, DEFENDANT U.S. RE CORPORATION'S MOTION TO DISMISS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**March 15, 2016**

---

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)

---

**March 15, 2016      3:00 AM      Decision**

**HEARD BY:** Allf, Nancy      **COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT FINDS after review two Motions were taken under submission on February 25, 2016: 1) Defendants Uni-Ter Underwriting Management Corp. and Uni-Ter Claims Services Corp. s Motion to Dismiss; and 2) Defendant U.S. RE Corporation s Motion to Dismiss. COURT FURTHER FINDS after review a Status Check on Written Decision was set for Chambers Calendar on March 15, 2016.

COURT ORDERS for good cause appearing and after review, the Hearing on the Status Check on the Decision and Order set for CHAMBERS CALENDAR on March 15, 2016 CONTINUED to CHAMBERS CALENDAR on April 5, 2016.

CONTINUED TO.....4/5/2016 (CHAMBERS)

CLERK'S NOTE: A copy of this minute order was faxed to: James L. Wadhams, Esq. (702-692-8099), Joseph P. Garin, Esq. (702-382-1512), and George F. Ogilvie III, Esq. (702-873-9966).

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Negligence - Other Negligence

## COURT MINUTES

**April 05, 2016**

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)

April 05, 2016	3:00 AM	Decision
----------------	---------	----------

**HEARD BY:** Allf, Nancy **COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDED:**

**REPORTER:**

**PARTIES  
PRESENT:**

## JOURNAL ENTRIES

- COURT FINDS after review two Motions were taken under submission on February 25, 2016: 1) Defendants Uni-Ter Underwriting Management Corp. and Uni-Ter Claims Services Corp. s Motion to Dismiss; and 2) Defendant U.S. RE Corporation s Motion to Dismiss. COURT FURTHER FINDS after review a Status Check on Written Decision was set for Chambers Calendar on March 15, 2016 then Continued to April 5, 2016.

COURT ORDERS for good cause appearing and after review, the Hearing on the Status Check on the Decision and Order set for CHAMBERS CALENDAR on April 5, 2016 CONTINUED to CHAMBERS CALENDAR on April 19, 2016.

CONTINUED TO.....4/19/2016 (CONTINUED)

CLERK'S NOTE: A copy of this minute order was faxed to: James L. Wadhams, Esq. (702-692-8099), Joseph P. Garin, Esq. (702-382-1512), and George F. Ogilvie III, Esq. (702-873-9966).

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**April 19, 2016**

---

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)

---

**April 19, 2016      3:00 AM      Decision**

**HEARD BY:** Allf, Nancy

**COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT FINDS after review two Motions were taken under submission on February 25, 2016: 1) Defendants Uni-Ter Underwriting Management Corp. and Uni-Ter Claims Services Corp. s Motion to Dismiss; and 2) Defendant U.S. RE Corporation s Motion to Dismiss. COURT FURTHER FINDS after review a Status Check on Written Decision was set for Chambers Calendar on March 15, 2016 then Continued to April 5, 2016, and then April 19, 2016.

COURT ORDERS for good cause appearing and after review, the Hearing on the Status Check on the Decision and Order set for CHAMBERS CALENDAR on April 19, 2016 CONTINUED to CHAMBERS CALENDAR on May 17, 2016.

CONTINUED TO.....5/17/2016 (CHAMBERS)

CLERK'S NOTE: A copy of this minute order was faxed to: James L. Wadhams, Esq. (702-692-8099), Joseph P. Garin, Esq. (702-382-1512), and George F. Ogilvie III, Esq. (702-873-9966).

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**June 14, 2016**

---

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)
---------------	--

---

**June 14, 2016**

**3:00 AM**

**Minute Order**

**HEARD BY:** Allf, Nancy

**COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT FINDS after review that on April 1, 2016, Plaintiff filed its First Amended Complaint. COURT FURTHER FINDS after review that on April 18, 2016 Defendants Chur, et al. filed a Motion to Dismiss the First Amended Complaint and the Hearing was set for Motions Calendar on June 16, 2016 at 10:30 a.m.

COURT FURTHER FINDS after review that on May 4, 2016 the Court issued a Decision and Order on Defendants Uni-Ter Underwriting Management Corp., et al. s Motion to Dismiss the Original Complaint that it had taken under advisement on February 25, 2016. COURT FURTHER FINDS after review that in the May 4, 2016 Decision and Order the Court gave Plaintiff 30 days from Notice of Entry of Order, which was filed on May 10, 2016, to filed a Second Amended Complaint.

COURT FURTHER FINDS after review that Plaintiff filed the Second Amended Complaint on June 13, 2016. COURT FURTHER FINDS after review that none of the parties have addressed the fact that the First Amended Complaint is no longer the operative Complaint and as such is no longer subject to dismissal during the June 16, 2016 Hearing.

COURT ORDERS for good cause appearing and after review, the Court will be convening a

Telephonic Conference between all parties to discuss how the motions to dismiss will be handled; the Court will be in contact with all parties to determine a mutually convenient time to set the Telephonic Conference. COURT FURTHER ORDERS for good cause appearing and after review, the Hearing set for MOTIONS CALENDAR on June 16, 2016 is VACATED subject to being re-set pending the outcome of the discussion during the Telephonic Conference between all parties.

CLERK S NOTE: Counsel is to ensure a copy of the forgoing minute order is distributed to all interested parties; additionally, a copy of the foregoing minute order was distributed to the following Service Recipients via Wiznet E-Service:

Attorney General's Office  
Joanna Grigoriev jgrigoriev@ag.nv.gov  
Nevada Attorney General wiznetfilings@ag.nv.gov

Broad and Cassel  
Jon M. Wilson jwilson@broadandcassel.com

Fennemore Craig, P.C.  
Adrina Harris aharris@fclaw.com  
Brenoch Wirthlin bwirthli@fclaw.com  
Cheryl Landis clandis@fclaw.com  
Karl L. Nielson, Esq. knielson@fclaw.com

Lipson, Neilson, Cole, Seltzer & Garin, P.C.  
Angela T. Nakamura Ochoa aochoa@lipsonneilson.com  
Joseph P. Garin, Esq. jgarin@lipsonneilson.com  
Lisa Noltie lnoltie@lipsonneilson.com  
Renee Rittenhouse rrittenhouse@lipsonneilson.com  
Susana Nutt snutt@lipsonneilson.com

McDonald Carano Wilson LLP  
CaraMia Gerard cgerard@mcdonaldcarano.com  
George F. Ogilvie III gogilvie@mcdonaldcarano.com  
James W. Bradshaw jbradshaw@mcdonaldcarano.com  
Jeff Riesenmy jriesenmy@mcdonaldcarano.com  
Kathy Barrett kbarrett@mcdonaldcarano.com  
Nancy Hoy nhoy@mcdonaldcarano.com

Nevada Attorney General  
Marilyn Millam mmillam@ag.nv.gov

Nevada Division of Insurance

Terri Verbrugghen verbrug@doi.nv.gov



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence****COURT MINUTES****June 23, 2016**

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)

**June 23, 2016****2:30 PM****Status Check****HEARD BY:** Allf, Nancy**COURTROOM:** RJC Courtroom 03A**COURT CLERK:** Nicole McDevitt**RECORDER:** Traci Rawlinson**REPORTER:****PARTIES**

<b>PRESENT:</b>	Nakamura Ochoa, Angela T.	Attorney
	Ogilvie, George F., III	Attorney
	Wilson, Jon M.	Attorney
	Wirthlin, Brenoch	Attorney

**JOURNAL ENTRIES**

- All counsel present telephonically.

Mr. Wirthlin stated he has filed the second amended complaint and the complaint was intended to address the allegation as to U S Re Corporation. Ms. Ochoa stated she has requested to see a redline copy which would help her determine whether to amend her motion to dismiss or refile it. Mr. Wilson stated he is also getting a redline version of the complaint for the same reason. Upon inquiry by the Court whether there would be any objection to vacating the current motion to dismiss for Defendants to review the redline version of the complaint to determine how to proceed, counsel stated they had no objection. COURT ORDERED, motion to dismiss VACATED. Mr. Ogilvie requested an extension of time to respond to the second complaint. Ms. Ochoa requested the same extension. Mr. Wirthling stipulated to the extensions until July 15, 2016. COURT ORDERED, response will be due on or by July 15, 2016.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**September 15, 2016**

---

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)

---

**September 15, 2016    10:30 AM      All Pending Motions**

**HEARD BY:** Allf, Nancy      **COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Patti Slattery

**REPORTER:**

**PARTIES**

**PRESENT:**      Nakamura Ochoa, Angela T.      Attorney  
                 Ogilvie, George F., III      Attorney  
                 Wirthlin, Brenoch      Attorney

**JOURNAL ENTRIES**

- Arguments by counsel regarding the merits of and opposition to the pending motions. Court stated its findings and ORDERED, 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 DENIED, Defendant Uni-Ter Underwriting Management Corp.'s Motion to Dismiss Negligent Misrepresentation Claim of Third Party Complaint DENIED. Mr. Wirthlin to prepare the orders and submit them to opposing counsel for approval as to form.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**February 28, 2017**

---

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)

---

**February 28, 2017      9:30 AM      Discovery Conference**

**HEARD BY:** Bulla, Bonnie

**COURTROOM:** RJC Level 5 Hearing Room

**COURT CLERK:** Jennifer Lott

**RECORDER:** Francesca Haak

**REPORTER:**

**PARTIES**

**PRESENT:**      Nakamura Ochoa, Angela T.      Attorney  
                 Ogilvie, George F., III      Attorney  
                 Wirthlin, Brenoch      Attorney

**JOURNAL ENTRIES**

- Mr. Ogilvie stated co-counsel on Court Call had a medical issue and could not be present.

Colloquy re: dates. Counsel anticipate four weeks for trial re: Breach of fiduciary duty; no Settlement Conference requested. COMMISSIONER RECOMMENDED, discovery cutoff is 1/31/18; adding parties, amended pleadings, and initial expert disclosures DUE 9/29/17; Defts' initial expert disclosures DUE 10/30/17; rebuttal expert disclosures DUE 11/30/17; FILE dispositive motions by 3/1/18. Scheduling Order will issue.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**August 01, 2017**

---

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)
---------------	--

---

<b>August 01, 2017</b>	<b>3:00 AM</b>	<b>Motion to Associate Counsel</b>
------------------------	----------------	------------------------------------

**HEARD BY:** Allf, Nancy

**COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- COURT FINDS after review that Defendants U.S. RE Corporation, Uni-Ter Underwriting management Corp., and Uni-Ter Claims Services Corp. filed a Motion to Associate Counsel (Kimberly J. Freedman) ( Motion ) on June 29, 2017 and the matter was set for Chambers Calendar on August 1, 2017.

COURT FURTHER FINDS after review the Motion seeks to associate Kimberly J. Freedman, Esq. of the law firm of Broad and Cassel LLP; the Motion is in compliance with SCR 42 and no opposition has been filed.

COURT ORDERS for good cause appearing and after review Defendants U.S. RE Corporation, Uni-Ter Underwriting management Corp., and Uni-Ter Claims Services Corp. s Motion to Associate Counsel (Kimberly J. Freedman) is GRANTED; the Court has reviewed the Motion, which provides for cause for the Granting of this Motion; Hearing on MOTIONS CALENDAR on August 1, 2017 is VACATED; Movant to submit the Order.

CLERK'S NOTE: A copy of this minute order was faxed to: McDonald Carano LLP (702-873-9966),

Lipson, Neilson, Cole, Seltzer & Garin, P.C. (702-382-1512), and Fennemore Craig, P.C. (702-692-8099)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence****COURT MINUTES****September 28, 2018**

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)
---------------	--

<b>September 28, 2018</b>	<b>10:00 AM</b>	<b>Motion for Protective Order</b>	<b>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</b>
---------------------------	-----------------	------------------------------------	--

**HEARD BY:** Bulla, Bonnie**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Jennifer Lott**RECORDER:** Patti Slattery**REPORTER:****PARTIES**

<b>PRESENT:</b>	Adams, Chelsie A.	Attorney
	Freedman, Kimberly J.	Attorney
	Ogilvie, George F., III	Attorney
	Wirthlin, Brenoch	Attorney

**JOURNAL ENTRIES**

- Erin Kolmansberger, Esquire, for U.S. Re Corporation and Uni-Ter Defts (Pro Hac Vice application pending); Jonathan Wong, Esquire, for Director Defts.

Commissioner questioned why this matter isn't before Judge Gonzalez. Mr. Wirthlin stated the Receiver stepped in when Uni-Ter went under (Managers and Brokers for Lewis and Clark);

Claimants and policy holders had their policies canceled / denied because Lewis and Clark became insolvent. The action in front of Judge Gonzalez is the precursor action to the instant action. Upon Commissioner's inquiry, Mr. Wirthlin state this case involves claims the Receiver has on behalf of Lewis and Clark against Uni-Ter, the Management Company, for breach of fiduciary duty, U.S. Re, the Broker for Re Insurance, and the Director Defts. Mr. Wirthlin confirmed the case involves wasting of assets as well. If there is a problem with documentation productions related to Receivership and the Orders Judge Gonzalez implemented, Commissioner stated it must go back to Judge Gonzalez. Colloquy re: questions to the 30(b)(6) Deponent. Counsel must decide the purpose of the deposition. Mr. Wirthlin requested from 2006, but he would be ok with 2008 processes and document retention and servers going forward.

COMMISSIONER RECOMMENDED, Amend the 30(b)(6) deposition notice; 1 and 2 are PROTECTED, for problems, go back to the Court handling the Receivership; 3 - before the Receivership was filed; 4 - if you have missing information you want, go back to Judge Gonzalez; counsel can ask about a specific document you found out about later. Mr. Wirthlin addressed two document dumps. Ask where emails were stored. COMMISSIONER RECOMMENDED, no problem with 5; 6 - if you want to modify for prior to the Receivership action; 7 - Commissioner is ok with modifications (make relevant to the current case). Contact Commissioner by conference call during the deposition if necessary. COMMISSIONER RECOMMENDED, 7 and 8 were modified; 9 is PROTECTED; how they complied with the Receivership Orders must be eliminated.

COMMISSIONER RECOMMENDED, motion is GRANTED within parameters; Mr. Ogilvie has 30 days from the date they received the amended 30(b)(6) notice to prepare and produce someone for deposition. Commissioner suggested the end of October. Mr. Wirthlin will coordinate with the Attorney General's Office and notice a deposition in the other case; take concurrent depositions if Judge Gonzalez and Judge Allf agree (two separate deposition on the same day). COMMISSIONER RECOMMENDED, the 30(b)(6) depositions must be taken, but limited as set forth by Commissioner. Commissioner Is Not Waiving the 15 days notice and three days for mailing or e-service unless counsel agree. Commissioner will stand by counsels' agreement. Mr. Ogilvie to prepare the Report and Recommendations, and Mr. Wirthlin to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Commissioner advised counsel to read the Proposed Rules on the Supreme Court website, and let the Supreme Court know if there are problems.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence****COURT MINUTES****October 11, 2018**

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)

**October 11, 2018      9:30 AM      All Pending Motions**

**HEARD BY:** Allf, Nancy      **COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Cereghino, Daniel, ESQ	Attorney
	Nakamura Ochoa, Angela T.	Attorney
	Ogilvie, George F., III	Attorney
	Wirthlin, Brenoch	Attorney

**JOURNAL ENTRIES**

- 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 PLAINTIFF'S (1) OPPOSITION TO DIRECTOR DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS AND (2) COUNTERMOTION FOR SUMMARY JUDGMENT AS TO LIABILITY ONLY 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)

Arguments by Ms. Nakamura and Mr. Cereghino regarding the merits of and opposition to the motion to strike. Court stated its findings and ORDERED, 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 GRANTED. Ms. Nakamura to prepare the order and submit it to opposing counsel for approval. COURT FURTHER



ORDERED, Plaintiff's (1) Opposition to Director Defendants' Motion for Judgment on the Pleadings and (2) Countermotion for Summary Judgment as to Liability Only STRICKEN and OFF CALENDAR.

Arguments by Ms. Nakamura and Mr. Wirthlin regarding the merits of and opposition to the motion for judgment. Court stated its findings and ORDERED, 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) DENIED. Plaintiff's counsel to prepare the order and submit it to opposing counsel.

Upon inquiry of Court regarding if a settlement conference would help parties, Mr. Wirthlin stated he is open to whatever Defendant wants to address and they have done mediation in which they were not able to resolve the matter. Upon further inquiry of Court regarding if there is any opposition to the Motion to Associate Counsel set on October 16, 2018, Mr. Wirthlin and Ms. Nakamura stated they did not oppose it. COURT ORDERED, Motion to Association Counsel Erin Kolmansberger GRANTED and VACATED from the October 16, 2018 chambers calendar.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence****COURT MINUTES****January 04, 2019**

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)

<b>January 04, 2019</b>	<b>3:00 AM</b>	<b>Minute Order</b>	<b>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</b>
-------------------------	----------------	---------------------	--

**HEARD BY:** Alf, Nancy**COURTROOM:** No Location**COURT CLERK:** Nicole McDevitt**RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- On December 3, 2019, Request for Hearing on Defendant's Motion for Reconsideration was filed and set for January 3, 2019. On December 17, 2019 a request was made to continue the hearing to January 10, 2019 and matter was continued. On December 27, 2018 Plaintiff's Opposition to Director Defendants' Motion for Reconsideration and Countermotion for Attorney's Fees was filed and set for January 10, 2019. As Court is unavailable on January 10, 2019, COURT ORDERED, motion and

PRINT DATE: 11/23/2022

Page 22 of 133

Minutes Date: January 27, 2016

countermotion CONTINUED to January 9, 2019 at 9:00 a.m.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 1/4/2019

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**January 09, 2019**

---

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)

---

**January 09, 2019      9:00 AM      All Pending Motions**

**HEARD BY:** Allf, Nancy      **COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

**PRESENT:**      Nakamura Ochoa, Angela T.      Attorney  
                 Ogilvie, George F., III      Attorney  
                 Peek, Joseph S.      Attorney  
                 Semerad, Ryan A.      Attorney  
                 Wadhams, James L.      Attorney  
                 Wirthlin, Brenoch      Attorney

**JOURNAL ENTRIES**

- PLAINTIFF'S OPPOSITION TO DIRECTOR DEFENDANTS' MOTION FOR RECONSIDERATION  
AND COUNTERMOTION FOR ATTORNEY'S FEES...REQUEST FOR HEARING ON  
DEFENDANT'S MOTION FOR RECONSIDERATION

Arguments by Mr. Peek and Mr. Wirthlin regarding the merits of and opposition to the pending motions. COURT ORDERED, 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 TAKEN UNDER ADVISEMENT, court will consider the merits and write a decision. COURT ORDERED, status check for decision SET on chambers calendar

1/29/2019 CHAMBERS DECISION: PLAINTIFF'S OPPOSITION TO DIRECTOR DEFENDANTS'  
MOTION FOR RECONSIDERATION AND COUNTERMOTION FOR ATTORNEY'S FEES;

**REQUEST FOR HEARING ON DEFENDANT'S MOTION FOR RECONSIDERATION**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**January 24, 2019**

---

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)

---

**January 24, 2019      9:30 AM      Motion**

**HEARD BY:** Allf, Nancy **COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Nakamura Ochoa, Angela T.	Attorney
	Ogilvie, George F., III	Attorney
	Wirthlin, Brenoch	Attorney

**JOURNAL ENTRIES**

- Mr. Wirthlin noted that the death certificate of Ms. Lumpkin did not have a redacted social security number. Court directed counsel to submit an ex-parte application and order to redact or seal, submit it to all parties, and court will enter the order. Arguments by Mr. Wirthlin and Ms. Ochoa regarding the merits and opposition to the motion. Court stated its findings and ORDERED, Plaintiffs Motion for Substitution of Deceased Party Pursuant to NRCP 25(a) DENIED. Ms. Ochoa to prepare the order and submit it to opposing counsel for approval.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**January 29, 2019**

---

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)

---

**January 29, 2019      3:00 AM      Decision**

**HEARD BY:** Allf, Nancy

**COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT FINDS after review that on November 29, 2018 Plaintiff s Motion for Reconsideration ( Motion ) was filed with the Court and the matter was set for hearing before the Court on January 9, 2019.

COURT FURTHER FINDS after review that the Court heard oral arguments on the Motion on January 9, 2019. The Court took the matter under submission and set a Status Check for January 29, 2019 on Chambers Calendar for the Court to issue its decision.

COURT ORDERS for good cause appearing and after review the date set for the Court to issue a Decision on the Motion is hereby CONTINUED to February 5, 2019; the Court will either release a Decision by February 5, 2019 at 5:00 p.m., or provide a prospective future date to expect it.

CONTINUED TO: 2/5/2019 (CHAMBERS)

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 1/30/2019



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**March 08, 2019**

---

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)

---

**March 08, 2019      3:15 PM      Telephonic Conference**

**HEARD BY:** Allf, Nancy      **COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

**PRESENT:**      Adams, Chelsie A.      Attorney  
Cereghino, Daniel, ESQ      Attorney  
Nakamura Ochoa, Angela T.      Attorney  
Ogilvie, George F., III      Attorney

**JOURNAL ENTRIES**

- Colloquy regarding a stay of discovery deadlines. COURT ORDERED, request by letter for stay DENIED, however, Court will set it for hearing and Court will not stay the deposition next week. Colloquy regarding hearing date. Court stated the Motion to Stay proceedings will remain on the March 14, 2019 calendar at 10:00 a.m. and the request for extension of all deadlines will be heard at that time. Court directed counsel that they may provide additional briefings, oppositions will be due by 5:00 p.m. on March 12, 2019 and replies will be due by 5:00 p.m. March 13, 2019.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence****COURT MINUTES****March 14, 2019**

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)
---------------	--

March 14, 2019	10:00 AM	Motion to Stay	<b>Defendants' Motion to Stay Proceedings Pending Petition for Writ of Mandamus on an Order Shortening Time</b>
----------------	----------	----------------	---

**HEARD BY:** Allf, Nancy**COURTROOM:** RJC Courtroom 03A**COURT CLERK:** Nicole McDevitt**RECORDER:** Brynn White**REPORTER:****PARTIES**

<b>PRESENT:</b>	Cereghino, Daniel, ESQ	Attorney
	Kolmansberger, Erin K.	Attorney
	Ogilvie, George F., III	Attorney
	Peek, Joseph S.	Attorney

**JOURNAL ENTRIES**

- Erin Kolmansberger present telephonically.

Mr. Peek submitted on the pleadings. Arguments by Mr. Ogilvie and Mr. Cereghino. COURT ORDERED, Defendants' Motion to Stay Proceedings Pending Petition for Writ of Mandamus on an Order Shortening Time GRANTED, matter SET for status check, and parties to provide an update no later than May 10, 2019. Mr. Peek to prepare the order and submit to opposing counsel for approval as to form.

5/14/2019 (CHAMBERS) STATUS CHECK



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Negligence - Other Negligence

# COURT MINUTES

**May 15, 2019**

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)

**May 15, 2019                  2:30 PM                  Minute Order**

**HEARD BY:** Allf, Nancy

**COURTROOM:** No Location

**COURT CLERK:** Phyllis Irby

**RECORDED:**

**REPORTER:**

**PARTIES  
PRESENT:**

## JOURNAL ENTRIES

- A711535; Commissioner v. Chur; Status Check re Stay; 5/14/19

COURT FINDS after review that on April 4, 2019, the Order Granting Motion to Stay Proceedings Pending Petition for Writ of Mandamus was filed with the Court wherein the Court ordered all proceedings in the matter stayed. The Court set a Status Check for May 14, 2019 on Chambers Calendar regarding the status of the Petition for Writ of Mandamus.

COURT FURTHER FINDS after review that on May 8, 2019 the Director Defendants Status Report Regarding Petition for Writ of Mandamus was filed with the Court indicating that the Director Defendants filed their Petition with the Nevada Supreme Court on March 13, 2019 and have received no notice of any update as to the status of the Petition or the Nevada Supreme Court s consideration of the Petition.

COURT ORDERS for good cause appearing and after review that the Status Check set for May 14, 2019 on Chambers Calendar is hereby CONTINUED to June 25, 2019 on Chambers Calendar. The Director Defendants are directed to file a Status Report regarding the status of the Petition on or before June 21, 2019.

CLERK'S NOTE: This Minute Order was electronically served by Court Clerk, P. Irby, to all registered parties for Odyssey File & Serve./pi (5-16-19)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**June 13, 2019**

---

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)

---

**June 13, 2019      9:30 AM      Status Check**

**HEARD BY:** Cherry, Michael A.      **COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

**PRESENT:**      Wirthlin, Brenoch      Attorney

**JOURNAL ENTRIES**

- Mr. Wirthlin stated previous status checks had been removed and he did not have anything to add. Regarding the matter in the Supreme Court, Mr. Wirthlin stated they have filed their responsive brief and the opposition has two weeks to file their reply. COURT ORDERED, matter SET for status check in sixty days, status reports to be filed prior to hearing.

8/15/2019 9:30 AM STATUS CHECK

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**July 11, 2019**

---

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)
---------------	--

---

**July 11, 2019**

**9:30 AM**

**Motion**

**HEARD BY:** Alf, Nancy

**COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Rubina Feda

**REPORTER:**

**PARTIES**

**PRESENT:**

Ogilvie, George F., III  
Peek, Joseph S.  
Wirthlin, Brenoch

Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Arguments by counsel regarding the merits of and opposition to the motion. COURT ORDERED, Plaintiff's Motion to Lift Stay or Alternatively Grant Plaintiff Other Relief on Order Shortening Time DENIED, the order will be enforced, and Court will enforce the Jacobs case. Mr. Wirthlin to prepare the order and submit it to opposing counsel for approval as to form.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**August 15, 2019**

---

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)

---

**August 15, 2019      9:30 AM      Status Check**

**HEARD BY:** Allf, Nancy      **COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

**PRESENT:**      Wirthlin, Brenoch      Attorney

**JOURNAL ENTRIES**

- Mr. Wirthlin stated the briefing has been submitted and they are just waiting for either a decision or request for oral argument from supreme court. Court noted there is another status check set on the chambers calendar on September 17, 2019 and directed Mr. Wirthlin if there is any update to do so before that status check.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**September 17, 2019**

---

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)

---

**September 17, 2019     3:00 AM                      Status Check**

**HEARD BY:**   Allf, Nancy

**COURTROOM:**   No Location

**COURT CLERK:**   Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT FINDS after review that on April 4, 2019, the Order Granting Motion to Stay Proceedings Pending Petition for Writ of Mandamus was filed with the Court wherein the Court ordered all proceedings in the matter stayed. The Court set a Status Check for May 14, 2019 on Chambers Calendar regarding the status of the Petition for Writ of Mandamus.

COURT FURTHER FINDS after review that on May 8, 2019 the Director Defendants Status Report Regarding Petition for Writ of Mandamus was filed with the Court indicating that the Director Defendants filed their Petition with the Nevada Supreme Court on March 13, 2019 and have received no notice of any update as to the status of the Petition or the Nevada Supreme Court s consideration of the Petition. The Status Check set for May 14, 2019 was CONTINUED to June 13, 2019.

COURT FURTHER FINDS after review that June 13, 2019, Mr. Wirthlin appeared before the Court and indicated that responsive briefs and oppositions were pending before the Supreme Court, so the matter was set for Status Check on August 15, 2019.

COURT FURTHER FINDS after review that on August 15, 2019, Mr. Wirthlin appeared before the Court and indicated that the parties are waiting for either a decision or request for oral argument

from the Supreme Court, so the matter was CONTINUED for September 17, 2019 on Chambers Calendar.

COURT FURTHER FINDS after review that a decision from the Supreme Court of Nevada is still pending.

COURT ORDERS for good cause appearing and after review that the Status Check set for September 17, 2019 on Chambers Calendar is CONTINUED for November 19, 2019 on Chambers Calendar. The parties shall file Status Reports in advance of the November 19, 2019 Status Check.

COURT FURTHER ORDERS for good cause appearing and after review that the Firm Jury Trial set for October 21, 2019 is hereby VACATED.

CONTINUED TO: 11/19/2019 (CHAMBERS)

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**November 19, 2019**

---

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)

---

**November 19, 2019      3:00 AM      Status Check**

**HEARD BY:** Allf, Nancy

**COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT FINDS after review that on April 4, 2019, the Order Granting Motion to Stay Proceedings Pending Petition for Writ of Mandamus was filed with the Court wherein the Court ordered all proceedings in the matter stayed. The Court set a Status Check for May 14, 2019 on Chambers Calendar regarding the status of the Petition for Writ of Mandamus.

COURT FURTHER FINDS after review that on May 8, 2019 the Director Defendants Status Report Regarding Petition for Writ of Mandamus was filed with the Court indicating that the Director Defendants filed their Petition with the Nevada Supreme Court on March 13, 2019 and have received no notice of any update as to the status of the Petition or the Nevada Supreme Court's consideration of the Petition. The Status Check set for May 14, 2019 was CONTINUED to June 13, 2019.

COURT FURTHER FINDS after review that June 13, 2019, Mr. Wirthlin appeared before the Court and indicated that responsive briefs and oppositions were pending before the Supreme Court, so the matter was set for Status Check on August 15, 2019.

COURT FURTHER FINDS after review that on August 15, 2019, Mr. Wirthlin appeared before the Court and indicated that the parties are waiting for either a decision or request for oral argument

from the Supreme Court, so the matter was CONTINUED for September 17, 2019 on Chambers Calendar.

COURT FURTHER FINDS after review that a decision from the Supreme Court of Nevada was still pending at the time of the Status Check on September 17, 2019, so the matter was CONTINUED for November 19, 2019 on Chambers Calendar.

COURT FURTHER FINDS after review that on November 18, 2019, a Joint Status Report was filed indicating that the Supreme Court entered an Order Submitting for Decision Without Oral Argument, and that the Directors Writ of Mandamus remains pending before the Supreme Court of Nevada.

THEREFORE, COURT ORDERS for good cause appearing and after review that the Status Check set for November 19, 2019 on Chambers Calendar is CONTINUED for January 21, 2020 on Chambers Calendar. The parties shall file a Joint Status Report in advance of the January 21, 2020 Status Check.

CONTINUED TO: 1/21/2020 (CHAMBERS)

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence****COURT MINUTES****January 21, 2020**

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)
---------------	--

<b>January 21, 2020</b>	<b>3:00 AM</b>	<b>Status Check</b>
-------------------------	----------------	---------------------

**HEARD BY:** Allf, Nancy**COURTROOM:** No Location**COURT CLERK:** Nicole McDevitt**RECORDER:****REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT FINDS after review that on April 4, 2019, the Order Granting Motion to Stay Proceedings Pending Petition for Writ of Mandamus was filed with the Court wherein the Court ordered all proceedings in the matter stayed. The Court set a Status Check for May 14, 2019 on Chambers Calendar regarding the status of the Petition for Writ of Mandamus.

COURT FURTHER FINDS after review that on May 8, 2019 the Director Defendants Status Report Regarding Petition for Writ of Mandamus was filed with the Court indicating that the Director Defendants filed their Petition with the Nevada Supreme Court on March 13, 2019 and have received no notice of any update as to the status of the Petition or the Nevada Supreme Court's consideration of the Petition. The Status Check set for May 14, 2019 was CONTINUED to June 13, 2019.

COURT FURTHER FINDS after review that June 13, 2019, Mr. Wirthlin appeared before the Court and indicated that responsive briefs and oppositions were pending before the Supreme Court, so the matter was set for Status Check on August 15, 2019.

COURT FURTHER FINDS after review that on August 15, 2019, Mr. Wirthlin appeared before the Court and indicated that the parties are waiting for either a decision or request for oral argument

from the Supreme Court, so the matter was CONTINUED for September 17, 2019 on Chambers Calendar.

COURT FURTHER FINDS after review that a decision from the Supreme Court of Nevada was still pending at the time of the Status Check on September 17, 2019, so the matter was CONTINUED for November 19, 2019 on Chambers Calendar.

COURT FURTHER FINDS after review that on November 18, 2019, a Joint Status Report was filed indicating that the Supreme Court entered an Order Submitting for Decision Without Oral Argument, and that the Directors Writ of Mandamus remains pending before the Supreme Court of Nevada, so the matter was CONTINUED for January 21, 2020 on Chambers Calendar.

COURT FURTHER FINDS after review that on January 17, 2020, a Joint Status Report was filed indicating that no further orders have been entered by the Supreme Court of Nevada and that the case is submitted for decision according to the Supreme Court of Nevada's website.

THEREFORE, COURT ORDERS for good cause appearing and after review that the Status Check set for January 21, 2020 on Chambers Calendar is CONTINUED for March 24, 2020 on Chambers Calendar. The parties shall file a Joint Status Report in advance of the March 24, 2020 Status Check.

CONTINUED TO: 3/24/2020 (CHAMBERS)

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 1/21/2020

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence****COURT MINUTES****March 24, 2020**

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)
---------------	--

<b>March 24, 2020</b>	<b>3:00 AM</b>	<b>Status Check</b>
-----------------------	----------------	---------------------

**HEARD BY:** Allf, Nancy**COURTROOM:** No Location**COURT CLERK:** Nicole McDevitt**RECORDER:****REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT FINDS after review that on April 4, 2019, the Order Granting Motion to Stay Proceedings Pending Petition for Writ of Mandamus was filed with the Court wherein the Court ordered all proceedings in the matter stayed. The Court set a Status Check for May 14, 2019 on Chambers Calendar regarding the status of the Petition for Writ of Mandamus.

COURT FURTHER FINDS after review that on May 8, 2019 the Director Defendants Status Report Regarding Petition for Writ of Mandamus was filed with the Court indicating that the Director Defendants filed their Petition with the Nevada Supreme Court on March 13, 2019 and have received no notice of any update as to the status of the Petition or the Nevada Supreme Court's consideration of the Petition. The Status Check set for May 14, 2019 was CONTINUED to June 13, 2019.

COURT FURTHER FINDS after review that June 13, 2019, Mr. Wirthlin appeared before the Court and indicated that responsive briefs and oppositions were pending before the Supreme Court, so the matter was set for Status Check on August 15, 2019.

COURT FURTHER FINDS after review that on August 15, 2019, Mr. Wirthlin appeared before the Court and indicated that the parties are waiting for either a decision or request for oral argument

from the Supreme Court, so the matter was CONTINUED for September 17, 2019 on Chambers Calendar.

COURT FURTHER FINDS after review that a decision from the Supreme Court of Nevada was still pending at the time of the Status Check on September 17, 2019, so the matter was CONTINUED for November 19, 2019 on Chambers Calendar.

COURT FURTHER FINDS after review that on November 18, 2019, a Joint Status Report was filed indicating that the Supreme Court entered an Order Submitting for Decision Without Oral Argument, and that the Directors Writ of Mandamus remains pending before the Supreme Court of Nevada, so the matter was CONTINUED for January 21, 2020 on Chambers Calendar.

COURT FURTHER FINDS after review that on January 17, 2020, a Joint Status Report was filed indicating that no further orders have been entered by the Supreme Court of Nevada and that the case is submitted for decision according to the Supreme Court of Nevada's website. The Status Check was continued to March 24, 2020 on Chambers Calendar.

COURT FURTHER FINDS after review that on March 23, 2020, the parties submitted three separate Status Reports indicating, inter alia, that on February 27, 2020, the Supreme Court of Nevada entered an opinion granting the Directors Petition for Writ of Mandamus. The Status Reports also indicated that on March 2, 2020, the Supreme Court of Nevada filed an order granting Plaintiff's request for an extension to March 30, 2020, to file a petition for rehearing of the Directors Petition for Writ of Mandamus. The parties expressed differences on whether or not the Stay will remain in place following the Supreme Court's entry of a notice in lieu of remittitur, in the event the petition for rehearing is denied.

THEREFORE, COURT ORDERS for good cause appearing and after review that the Status Check set for March 24, 2020 on Chambers Calendar is hereby CONTINUED to May 26, 2020 on Chambers Calendar. The Stay shall remain in place pending the Supreme Court of Nevada's review of Plaintiff's petition for rehearing. Once the Supreme Court resolves such petition, the parties shall advise the Court and a status hearing will be set shortly thereafter. In the event the petition is not resolved by the May 26, 2020 Status Check, the parties shall file a Joint Status Report indicating the same in advance of the May 26, 2020 Status Check.

CONTINUED TO 5/26/2020 (CHAMBERS)

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 3/24/2020



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**April 10, 2020**

---

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)

---

**April 10, 2020      2:00 PM      Motion for Clarification**

**HEARD BY:** Allf, Nancy      **COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

**PRESENT:**      Ogilvie, George F., III      Attorney  
                 Peek, Joseph S.      Attorney  
                 Wirthlin, Brenoch      Attorney

**JOURNAL ENTRIES**

- All appearances made via BlueJeans video conferencing.

Court noted how cases and proceedings are being handled during the Covid-19 pandemic. Arguments by Mr. Wirthlin, Mr. Peek and Mr. Ogilvie regarding the merits of and opposition to the pending the motion. COURT ORDERED, Plaintiff's Motion for Clarification on Order Shortening Time CONTINUED, if there is decision from the Supreme Court on the Petition for Rehearing, matter can be stipulated to be moved out, or it may be stipulated to be moved if there is decision and parties want to hear it sooner. Mr. Wirthlin to prepare the order and submit it to opposing counsel.

CONTINUED to 5/15/2020 1:30 PM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**June 16, 2020**

---

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)

---

**June 16, 2020**

**3:00 AM**

**Minute Order**

**Minute Order:  
Telephonic  
Appearance**

**HEARD BY:** Allf, Nancy

**COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Department 27 Formal Request to Appear Telephonically

Re: Plaintiff's Motion for Clarification on Order Shortening Time and Status Check

Set: June 18, 2020 at 9:30 a.m.

Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video.

Dial the following number: 1-408-419-1715

Meeting ID: 241 897 186

Meeting URL: <https://bluejeans.com/241897186>

To connect by phone dial the number provided and enter the meeting ID followed by #

To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans.

You may also download the Blue Jeans app and join the meeting by entering the meeting ID

PLEASE NOTE the following protocol each participant will be required to follow:

Place your phone on MUTE while waiting for your matter to be called.

Do NOT place the call on hold since some phones may play wait/hold music.

Please do NOT use speaker phone as it causes a loud echo/ringing noise.

Please state your name each time you speak so that the court recorder can capture a clear record.

Please be mindful of rustling papers, background noise, and coughing or loud breathing.

Please be mindful of where your camera is pointing.

We encourage you to visit the [Bluejeans.com](https://bluejeans.com) website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing.

If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing.

Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 6/16/2020

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**June 18, 2020**

---

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)
---------------	--

---

**June 18, 2020**

**9:30 AM**

**All Pending Motions**

**HEARD BY:** Allf, Nancy

**COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Nakamura Ochoa, Angela T.	Attorney
	Ogilvie, George F., III	Attorney
	Wirthlin, Brenoch	Attorney

**JOURNAL ENTRIES**

- STATUS CHECK...PLAINTIFF'S MOTION FOR CLARIFICATION ON ORDER SHORTENING TIME

Appearances made via the BlueJeans videoconferencing application.

Colloquy regarding lifting the stay. Court stated its findings and ORDERED, Plaintiff's Motion for Clarification on Order Shortening Time GRANTED, stay will be lifted as of July 1, 2020. Mr. Wirthlin to prepare the order and submit it to opposing counsel approval as to form.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**June 30, 2020**

---

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)
---------------	--

---

**June 30, 2020**

**3:00 AM**

**Minute Order**

**Minute Order:  
BlueJeans  
Appearances**

**HEARD BY:** Allf, Nancy

**COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Department 27 Formal Request to Appear Telephonically

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; On Order Shortening Time  
Set: July 1, 2020 at 10:00 a.m.

Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video.

Dial the following number: 1-408-419-1715

Meeting ID: 356 362 567

Meeting URL: <https://bluejeans.com/356362567>

To connect by phone dial the number provided and enter the meeting ID followed by #

To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans.

You may also download the Blue Jeans app and join the meeting by entering the meeting ID

PLEASE NOTE the following protocol each participant will be required to follow:

Place your phone on MUTE while waiting for your matter to be called.

Do NOT place the call on hold since some phones may play wait/hold music.

Please do NOT use speaker phone as it causes a loud echo/ringing noise.

Please state your name each time you speak so that the court recorder can capture a clear record.

Please be mindful of rustling papers, background noise, and coughing or loud breathing.

Please be mindful of where your camera is pointing.

We encourage you to visit the [Bluejeans.com](https://bluejeans.com) website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing.

If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing.

Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 6/30/2020

CLERK'S NOTE: Minute order AMENDED to correct Meeting ID number and Meeting URL. This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 6/30/2020

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence****COURT MINUTES****July 01, 2020**

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)

**July 01, 2020      10:00 AM      Motion for Preferential  
Trial Setting**

**HEARD BY:** Allf, Nancy**COURTROOM:** RJC Courtroom 03A**COURT CLERK:** Nicole McDevitt**RECORDER:** Brynn White**REPORTER:****PARTIES**

<b>PRESENT:</b>	Freedman, Kimberly J.	Attorney
	Kolmansberger, Erin K.	Attorney
	Nakamura Ochoa, Angela T.	Attorney
	Ogilvie, George F., III	Attorney
	Wirthlin, Brenoch	Attorney

**JOURNAL ENTRIES**

- All counsel present via the BlueJeans Videoconferencing Application.

Upon inquiry of Court if parties are prepared to go forward today as matter was set on shortened time, Ms. Ochoa and Mr. Ogilvie stated they were. Mr. Wirthlin advised they are filing a motion for leave to amend on July 2, 2020. Arguments by Mr. Wirthlin, Ms. Ochoa, and Mr. Ogilvie as to the merits of and opposition of the motion. Ms. Ochoa stated the motion should be heard after the motion for leave. COURT ORDERED, 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 CONTINUED to be heard with the motion to amend, deadline extended until the motion to amend is heard, opposition due July 13, 2020, reply due July 14, 2020.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**July 21, 2020**

---

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)
---------------	--

---

**July 21, 2020**

**3:00 AM**

**Minute Order**

**Minute Order:  
BlueJeans  
Appearance**

**HEARD BY:** Allf, Nancy

**COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Department 27 Formal Request to Appear Telephonically

Re: Matter set on July 23, 2020 at 10:00 a.m.

Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video.

Dial the following number: 1-408-419-1715

Meeting ID: 897 138 369

Meeting URL: <https://bluejeans.com/897138369>

To connect by phone dial the number provided and enter the meeting ID followed by #



To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans.

You may also download the Blue Jeans app and join the meeting by entering the meeting ID

PLEASE NOTE the following protocol each participant will be required to follow:

Place your phone on MUTE while waiting for your matter to be called.

Do NOT place the call on hold since some phones may play wait/hold music.

Please do NOT use speaker phone as it causes a loud echo/ringing noise.

Please state your name each time you speak so that the court recorder can capture a clear record.

Please be mindful of rustling papers, background noise, and coughing or loud breathing.

Please be mindful of where your camera is pointing.

We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing.

If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing.

Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 7/21/2020.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Negligence - Other Negligence

# COURT MINUTES

**July 23, 2020**

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)

July 23, 2020                      10:00 AM                      All Pending Motions

**HEARD BY:** Allf, Nancy **COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn White

**REPORTER:**

## PARTIES

<b>PRESENT:</b>	Kolmansberger, Erin K.	Attorney
	Lee, Patricia	Attorney
	Nakamura Ochoa, Angela T.	Attorney
	Ogilvie, George F., III	Attorney
	Orme, Christian M.	Attorney
	Wilson, Jon M.	Attorney
	Wirthlin, Brenoch	Attorney

## JOURNAL ENTRIES

- All appearances made via the BlueJeans Videoconferencing Application

DEFENDANTS UNI-TER UNDERWRITING MANAGEMENT CORP., UNI-TER CLAIMS SERVICES  
CORP. AND U.S. RE CORPORATION S MOTION OR LEAVE TO FILE AMENDED ANSWERS TO  
THIRD AMENDED COMPLAINT

There being no opposition, COURT ORDERED, 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 GRANTED.

PLAINTIFF MOTION FOR LEAVE TO FILE FOURTH AMENDED COMPLAINT

Arguments by Mr. Wirthlin, Ms. Ochoa, and Mr. Ogilvie regarding the merits of and opposition to

PRINT DATE: 11/23/2022

Page 53 of 133

Minutes Date: January 27, 2016

the motion. Mr. Wirthlin requested until July 31, 2020 to disclose experts. Court stated its findings and ORDERED, Plaintiff Motion for Leave to File Fourth Amended Complaint DENIED. Mr. Ochoa or Mr. Ogilvie to prepare the order and submit it to opposing counsel for approval as to form.

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

Colloquy regarding preferential trial setting. COURT ORDERED, 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 GRANTED, all parties to give all availability to start trial in February 2021 or March 2021 and Court will set trial based on the availability of counsel, most likely in February. Defense to prepare the order from the hearing and parties should collaborate on the order. Colloquy regarding expert disclosures and deadline. COURT FURTHER ORDERED, expert disclosures will be extended until July 31, 2020.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**July 30, 2020**

---

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)
---------------	--

---

**July 30, 2020**

**3:00 AM**

**Minute Order**

**Minute Order:  
Transcript filed  
7/24/2020 STRICKEN**

**HEARD BY:** Allf, Nancy

**COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT FINDS after review a Transcript of Proceedings was inadvertently filed on July 24, 2020 related to the June 18, 2020 hearing.

THEREFORE, COURT ORDERS for good cause appearing and after review the Transcript of Proceedings related to the June 18, 2020 hearing filed on July 24, 2020 is hereby STRICKEN from the record.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 7/30/2020

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**August 07, 2020**

---

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)

---

**August 07, 2020**

**3:00 AM**

**Minute Order**

**Minute Order:  
BlueJeans  
Appearance**

**HEARD BY:** Allf, Nancy

**COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Department 27 Formal Request to Appear Telephonically

Re: Matter set on August 13, 2020 at 9:30 a.m.

Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video.

Dial the following number: 1-408-419-1715

Meeting ID: 897 138 369

Meeting URL: <https://bluejeans.com/897138369>

To connect by phone dial the number provided and enter the meeting ID followed by #

To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans.

You may also download the Blue Jeans app and join the meeting by entering the meeting ID

PLEASE NOTE the following protocol each participant will be required to follow:

Place your phone on MUTE while waiting for your matter to be called.

Do NOT place the call on hold since some phones may play wait/hold music.

Please do NOT use speaker phone as it causes a loud echo/ringing noise.

Please state your name each time you speak so that the court recorder can capture a clear record.

Please be mindful of rustling papers, background noise, and coughing or loud breathing.

Please be mindful of where your camera is pointing.

We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing.

If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing.

Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 8/7/2020.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**August 13, 2020**

---

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)

---

**August 13, 2020      9:30 AM      Telephonic Conference**

**HEARD BY:** Allf, Nancy      **COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Michele Tucker

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

**PRESENT:**      Nakamura Ochoa, Angela T.      Attorney  
                 Ogilvie, George F., III      Attorney  
                 Orme, Christian M.      Attorney  
                 Wirthlin, Brenoch      Attorney

**JOURNAL ENTRIES**

- Appearances made via BlueJeans Videoconferencing Application.

Court NOTED the matter had been set to set the trial start date. Colloquy regarding starting the trial the last week of February and the first week of March. Arguments by counsel as to the tolling of the five year rule. Further arguments by counsel as to striking the Order regarding the receiver. Court STATED it would ISSUE A DECISION.

After the Court hearing Court indicated the trial date would be set the last week of February 2021, starting on Monday, February 22, 2021.

2/22/21 10:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**August 25, 2020**

---

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)
---------------	--

---

**August 25, 2020**

**3:00 AM**

**Minute Order**

**Minute Order:  
BlueJeans  
Appearance**

**HEARD BY:** Allf, Nancy

**COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Department 27 Formal Request to Appear Telephonically

Re: Matter set on August 26, 2020 at 9:00 a.m.

Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video.

Dial the following number: 1-408-419-1715

Meeting ID: 897 138 369

Meeting URL: <https://bluejeans.com/897138369>

To connect by phone dial the number provided and enter the meeting ID followed by #



To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans.

You may also download the Blue Jeans app and join the meeting by entering the meeting ID

PLEASE NOTE the following protocol each participant will be required to follow:

Place your phone on MUTE while waiting for your matter to be called.

Do NOT place the call on hold since some phones may play wait/hold music.

Please do NOT use speaker phone as it causes a loud echo/ringing noise.

Please state your name each time you speak so that the court recorder can capture a clear record.

Please be mindful of rustling papers, background noise, and coughing or loud breathing.

Please be mindful of where your camera is pointing.

We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing.

If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing.

Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 8/25/2020.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence****COURT MINUTES****August 26, 2020**

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)

**August 26, 2020      9:00 AM      Motion For  
Reconsideration**

**HEARD BY:** Allf, Nancy      **COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Hutchings, Mark H.	Attorney
	Nakamura Ochoa, Angela T.	Attorney
	Ogilvie, George F., III	Attorney
	Wirthlin, Brenoch	Attorney

**JOURNAL ENTRIES**

- Upon inquiry of Court if Plaintiff would like to go forward today, or wait until Court has reviewed the reply that was filed yesterday afternoon, Mr. Hutchinson stated he would like to go forward. No opposition to proceeding from remaining counsel. Arguments by Mr. Hutchinson, Mr. Wirthlin, and Ms. Ochoa regarding the merits of and opposition to the motion. Court stated its findings and ORDERED, Motion for Partial Reconsideration of Plaintiff's Motion for Leave to Amend Regarding Director Defendants DENIED. Ms. Ochoa to prepare the order and submit it to Plaintiff's counsel for approval. Additional arguments by Mr. Wirthlin including a request that Judge review the reply. Court stated it did review the reply during the hearing and it would consider granting a stay if the matter was taken up on a writ. Mr. Ogilvie stated a scheduling order had issued with a discovery cut-off date of October 19, 2020 and parties would like to propose a discovery cut-off date of December 17, 2020. Court stated if parties can stipulate to the new date then Court would adjust the scheduling order accordingly.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**September 02, 2020**

---

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)

---

**September 02, 2020      3:00 AM      Minute Order      Minute Order:  
BlueJeans  
Appearance**

**HEARD BY:** Allf, Nancy      **COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Department 27 Formal Request to Appear Telephonically

Re: Matter set on September 3, 2020 at 11:00 a.m.

Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video.

Dial the following number: 1-408-419-1715

Meeting ID: 897 138 369

Meeting URL: <https://bluejeans.com/897138369>

To connect by phone dial the number provided and enter the meeting ID followed by #

To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans.

You may also download the Blue Jeans app and join the meeting by entering the meeting ID

PLEASE NOTE the following protocol each participant will be required to follow:

Place your phone on MUTE while waiting for your matter to be called.

Do NOT place the call on hold since some phones may play wait/hold music.

Please do NOT use speaker phone as it causes a loud echo/ringing noise.

Please state your name each time you speak so that the court recorder can capture a clear record.

Please be mindful of rustling papers, background noise, and coughing or loud breathing.

Please be mindful of where your camera is pointing.

We encourage you to visit the [Bluejeans.com](https://bluejeans.com) website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing.

If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing.

Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 9/2/2020.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence****COURT MINUTES****September 03, 2020**

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)

**September 03, 2020    11:00 AM      Motion to Stay**

**HEARD BY:** Allf, Nancy      **COURTROOM:** RJC Courtroom 10E

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

**PRESENT:**      Nakamura Ochoa, Angela T.      Attorney  
Ogilvie, George F., III      Attorney  
Wall, Michael K.      Attorney  
Wirthlin, Brenoch      Attorney

**JOURNAL ENTRIES**

- All appearances made via the BlueJeans Videoconferencing Application.

Mr. Wall stated he spoke with other counsel and he is requesting the order from the last hearing be certified as final pursuant to NRCP 54(B) so parties can appeal instead of filing a petition for a writ. Ms. Ochoa stated the Plaintiff did contact her and it is her opinion that the court needs to be apprised through a motion so Court can make the findings it needs to make. Ms. Ochoa further stated she offered to try to do a stipulation or joint motion. Mr. Ogilvie stated the matter should be briefed or brought to their attention before it is raised as a housekeeping matter. Further colloquy as to the request for certification. COURT ORDERED, oral request for 54(B) certification DENIED and Court would entertain an order shortening time. Court directed counsel the motion could be set September 10, 2020 at 11:00 a.m. and counsel should add that setting date to the motion. Arguments by counsel regarding the merits of and opposition to the motion. Colloquy regarding Court's jurisdiction or discretion on the matter. Court stated its findings and ORDERED, Motion to Stay Proceedings Pending Petition for Writ of Mandamus on Order Shortening Time GRANTED, stay will be effective

on all matters except the motion to certify. Plaintiff's counsel to prepare the order and submit it to opposing counsel for approval as to form.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**September 04, 2020**

---

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)

---

**September 04, 2020      3:00 AM      Minute Order      Minute Order:  
BlueJeans  
Appearance**

**HEARD BY:** Allf, Nancy      **COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Department 27 Formal Request to Appear Telephonically

Re: Matter set on September 10, 2020 at 11:00 a.m.

Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video.

Dial the following number: 1-408-419-1715

Meeting ID: 897 138 369

Meeting URL: <https://bluejeans.com/897138369>

To connect by phone dial the number provided and enter the meeting ID followed by #

To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans.

You may also download the Blue Jeans app and join the meeting by entering the meeting ID

PLEASE NOTE the following protocol each participant will be required to follow:

Place your phone on MUTE while waiting for your matter to be called.

Do NOT place the call on hold since some phones may play wait/hold music.

Please do NOT use speaker phone as it causes a loud echo/ringing noise.

Please state your name each time you speak so that the court recorder can capture a clear record.

Please be mindful of rustling papers, background noise, and coughing or loud breathing.

Please be mindful of where your camera is pointing.

We encourage you to visit the [Bluejeans.com](https://bluejeans.com) website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing.

If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing.

Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 9/4/2020



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**September 10, 2020**

---

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)

---

**September 10, 2020    11:00 AM      Motion**

**HEARD BY:** Allf, Nancy

**COURTROOM:** RJC Courtroom 10E

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Nakamura Ochoa, Angela T.	Attorney
	Wall, Michael K.	Attorney
	Wirthlin, Brenoch	Attorney

**JOURNAL ENTRIES**

- All appearances made via the BlueJeans Videoconferencing Application

Arguments by counsel regarding the merits of and opposition to the motion. Court stated its findings and ORDERED, Motion to Certify Judgment as Final Pursuant to NRCP 54(b) on Order Shortening Time DENIED. Mr. Ogilvie to prepare the order and submit to other counsel for approval.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**September 18, 2020**

---

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)
---------------	--

---

<b>September 18, 2020</b>	<b>3:00 AM</b>	<b>Minute Order</b>	<b>Minute Order: Blue Jeans Appearance</b>
---------------------------	----------------	---------------------	--

**HEARD BY:** Allf, Nancy

**COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Department 27 Formal Request to Appear Telephonically

Re: Matter set on September 24, 2020 at 9:30 a.m.

Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video.

Dial the following number: 1-408-419-1715

Meeting ID: 897 138 369

Meeting URL: <https://bluejeans.com/897138369>

To connect by phone dial the number provided and enter the meeting ID followed by #

To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans.

You may also download the Blue Jeans app and join the meeting by entering the meeting ID

PLEASE NOTE the following protocol each participant will be required to follow:

Place your phone on MUTE while waiting for your matter to be called.

Do NOT place the call on hold since some phones may play wait/hold music.

Please do NOT use speaker phone as it causes a loud echo/ringing noise.

Please state your name each time you speak so that the court recorder can capture a clear record.

Please be mindful of rustling papers, background noise, and coughing or loud breathing.

Please be mindful of where your camera is pointing.

We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing.

If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing.

Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 9/18/2020.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**September 24, 2020**

---

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)

---

**September 24, 2020    9:30 AM      Motion to Retax**

**HEARD BY:** Allf, Nancy      **COURTROOM:** RJC Courtroom 10E

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Angelica Michaux

**REPORTER:**

**PARTIES**

**PRESENT:**      Nakamura Ochoa, Angela T.      Attorney  
Ogilvie, George F., III      Attorney  
Wirthlin, Brenoch      Attorney

**JOURNAL ENTRIES**

- All appearances made via the BlueJeans Videoconferencing Application.

At request of counsel, COURT ORDERED, 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 OFF CALENDAR.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**May 04, 2021**

---

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)
---------------	--

---

**May 04, 2021**

**3:00 AM**

**Minute Order**

**Minute Order:  
BlueJeans  
Appearance**

**HEARD BY:** Allf, Nancy

**COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Department 27 Information to Appear Telephonically

Re: Matter set on May 5, 2021, 9:00 a.m.

Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. Counsel have the choice to appear either by phone or computer/video, however, if appearing remotely via BlueJeans, please appear by audio AND video. Also, in person hearings are now being held in Department 27, at the option of counsel. Mask wearing protocols will be strictly enforced. As of May 1, 2021, the Governor has relaxed the capacity to 80%, so that the courtroom can now accommodate up to 32 people.

Dial the following number: 1-408-419-1715

Meeting ID: 897 138 369

Meeting URL: <https://bluejeans.com/897138369>

To connect by phone dial the number provided and enter the meeting ID followed by #

To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans.

You may also download the Blue Jeans app and join the meeting by entering the meeting ID

PLEASE NOTE the following protocol each participant will be required to follow:

Place your phone on MUTE while waiting for your matter to be called.

Do NOT place the call on hold since some phones may play wait/hold music.

Please do NOT use speaker phone as it causes a loud echo/ringing noise.

Please state your name each time you speak so that the court recorder can capture a clear record.

Please be mindful of rustling papers, background noise, and coughing or loud breathing.

Please be mindful of where your camera is pointing.

We encourage you to visit the [Bluejeans.com](https://bluejeans.com) website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing.

If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing.

Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 5/4/2021.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence****COURT MINUTES****May 05, 2021**

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)
---------------	--

<b>May 05, 2021</b>	<b>9:00 AM</b>	<b>Motion for Preferential Trial Setting</b>	<b>Plaintiff's Motion to Lift Stay and for Re-Setting of Preferential Trial Setting</b>
---------------------	----------------	--	---

**HEARD BY:** Allf, Nancy**COURTROOM:** RJC Courtroom 16A**COURT CLERK:** Nicole McDevitt**RECORDER:** Brynn White**REPORTER:****PARTIES**

<b>PRESENT:</b>	Nakamura Ochoa, Angela T.	Attorney
	Ogilvie, George F., III	Attorney
	Wilson, Jon M.	Attorney
	Wirthlin, Brenoch	Attorney

**JOURNAL ENTRIES**

- All appearances made via the BlueJeans Videoconferencing Application.

Arguments by Mr. Wirthlin and Mr. Ogilvie regarding the merits of and opposition to the motion. COURT ORDERED, Plaintiff's Motion to Lift Stay and for Re-Setting of Preferential Trial Setting GRANTED, STAY LIFTED on the date the notice of entry is filed, and request for additional depositions should be taken up with the Discovery Commissioner unless all parties stipulate for Court to take over discovery. Colloquy regarding setting a firm trial date. COURT ORDERED, trial SET for firm date on September 20, 2021.

9/20/2021 10:30 AM JURY TRIAL





**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence****COURT MINUTES****June 30, 2021**

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)

**June 30, 2021****3:00 AM****Minute Order**

**Minute Order:  
BlueJeans  
Appearance**

**HEARD BY:** Allf, Nancy**COURTROOM:** No Location**COURT CLERK:** Nicole McDevitt**RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- Department 27 Information to Appear Telephonically

Re: Matter set on July 1, 2021, 11:00 a.m.

Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. Counsel have the choice to appear either by phone or computer/video, however, if appearing remotely via BlueJeans, please appear by audio AND video. Also, in person hearings are now being held in Department 27, at the option of counsel. Mask wearing protocols will be strictly enforced. As of May 1, 2021, the Governor has relaxed the capacity to 80%, so that the courtroom can now accommodate up to 32 people.

Dial the following number: 1-408-419-1715

Meeting ID: 897 138 369

Meeting URL: <https://bluejeans.com/897138369>

To connect by phone dial the number provided and enter the meeting ID followed by #

To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans.

You may also download the Blue Jeans app and join the meeting by entering the meeting ID

PLEASE NOTE the following protocol each participant will be required to follow:

Place your phone on MUTE while waiting for your matter to be called.

Do NOT place the call on hold since some phones may play wait/hold music.

Please do NOT use speaker phone as it causes a loud echo/ringing noise.

Please state your name each time you speak so that the court recorder can capture a clear record.

Please be mindful of rustling papers, background noise, and coughing or loud breathing.

Please be mindful of where your camera is pointing.

We encourage you to visit the [Bluejeans.com](https://bluejeans.com) website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing.

If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing.

Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 6/30/2021.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**July 01, 2021**

---

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)

---

**July 01, 2021**

**11:00 AM**

**All Pending Motions**

**HEARD BY:** Allf, Nancy

**COURTROOM:** RJC Courtroom 16A

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Trisha Garcia

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- 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...PLAINTIFF'S 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

Present in Courtroom: Brenoch Wirthlin, Esq., Christian M. Orme, Esq.

Present via the BlueJeans Video conferencing Application: Angela T. Nakamura Ochoa, Esq., George F. Ogilvie, III, Esq.

Arguments by Ms. Ochoa and Mr. Wirthlin regarding the merits of and opposition to the motion. Court stated its findings and ORDERED, 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 DENIED WITHOUT PREJUDICE. COURT FURTHER ORDERED, Plaintiff's Motion to Retax and Settle Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbar Lumkin, Jeff Marshall, and Eric Stickels' Verified Memorandum

of Costs and Disbursements DENIED. Mr. Wirthlin to prepare the order and provide it to opposing counsel for approval.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence****COURT MINUTES****July 06, 2021**

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)
---------------	--

<b>July 06, 2021</b>	<b>3:00 AM</b>	<b>Minute Order</b>	<b>Minute Order: Plaintiff's Motion to Retax and Settle Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut (Motion to Retax) DENIED</b>
----------------------	----------------	---------------------	---

**HEARD BY:** Allf, Nancy**COURTROOM:** No Location**COURT CLERK:** Nicole McDevitt**RECORDER:****REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT FINDS after review that on August 21, 2020 Plaintiff's Motion to Retax and Settle Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut (Motion to Retax) was filed.

COURT FURTHER FNDS after review that a Motion to Retax was scheduled on July 1, 2021 on Motions calendar.

COURT FURTHER FNDS after review that NRS 696B.565 (3) provides:

The Commissioner, all present and former deputy receivers, special deputy receivers and their employees, and the other officers, agents, employees and attorneys of the Division must be indemnified for all expenses, attorney s fees, judgments, settlements decrees, or amounts due or paid

in satisfaction of, or incurred in the defense of, such a legal action, unless it is determined upon a final adjudication on the merits of the case that the alleged acts, error or omission of the officer, agent, employee or attorney of the division did not arise out of or by reason of his or her duties or employment and was caused by actual malice.

THEREFORE COURT ORDERS for good cause appearing and after review that the Motion to Retax is hereby DENIED and the matter scheduled on July 1, 2021 on Motions calendar is hereby VACATED. Movant to prepare the Order in compliance with EDCR 7.21 and email it in pdf format to DC27Inbox@ClarkCountyCourts.us.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 7/6/2021.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**July 28, 2021**

---

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)
---------------	--

---

**July 28, 2021**

**3:00 AM**

**Minute Order**

**Minute Order:  
BlueJeans  
Appearance**

**HEARD BY:** Allf, Nancy

**COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Department 27 Information to Appear Telephonically

Re: Matter set on July 29, 2021, 9:30 a.m.

Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. Counsel have the choice to appear either by phone or computer/video, however, if appearing remotely via BlueJeans, please appear by audio AND video. Also, in person hearings are now being held in Department 27, at the option of counsel. Mask wearing protocols will be strictly enforced. As of May 1, 2021, the Governor has relaxed the capacity to 80%, so that the courtroom can now accommodate up to 32 people.

Dial the following number: 1-408-419-1715

Meeting ID: 897 138 369

Meeting URL: <https://bluejeans.com/897138369>

To connect by phone dial the number provided and enter the meeting ID followed by #

To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans.

You may also download the Blue Jeans app and join the meeting by entering the meeting ID

PLEASE NOTE the following protocol each participant will be required to follow:

Place your phone on MUTE while waiting for your matter to be called.

Do NOT place the call on hold since some phones may play wait/hold music.

Please do NOT use speaker phone as it causes a loud echo/ringing noise.

Please state your name each time you speak so that the court recorder can capture a clear record.

Please be mindful of rustling papers, background noise, and coughing or loud breathing.

Please be mindful of where your camera is pointing.

We encourage you to visit the [Bluejeans.com](https://bluejeans.com) website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing.

If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing.

Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 7/28/2021.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence****COURT MINUTES****July 29, 2021**

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)
---------------	--

July 29, 2021	9:30 AM	Motion to Compel	Motion to Compel Discovery Pursuant to NRCP 37(a)(4) on Order Shortening Time
---------------	---------	------------------	---

**HEARD BY:** Truman, Erin**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Jennifer Lott**RECORDER:** Francesca Haak**REPORTER:****PARTIES**

<b>PRESENT:</b>	Ogilvie, George F., III	Attorney
	Orme, Christian M.	Attorney
	Wirthlin, Brenoch	Attorney

**JOURNAL ENTRIES**

- MATTER TRAILED to 10:30 a.m. MATTER RECALLED. Commissioner Truman DISCLOSED as a private attorney, she was Of Counsel at the Law Firm of Hutchison & Steffen from approximately 2010 through May 2017. Commissioner offered to recuse herself at request of counsel. Colloquy regarding Mr. Young previously worked for McDonald Carano in the 1990's. No objection by Mr. Ogilvie to Commissioner Truman deciding this Motion. Upon Commissioner's inquiry, Mr. Wirthlin stated Hutchison & Steffen were retained in February 2020.

Commissioner stated the Trial is set September 21, 2021, discovery closes in one week, and 1.7 million documents were referenced. Commissioner will not extend discovery as it is not within her purview. Mr. Orme does not have all the documents that were promised, and counsel found out through the depositions. Mr. Orme requested Deft provide the password to the data base of documents.

Colloquy regarding the timeframe of the search. Commissioner inquired what search terms were used, and what other search terms would Plaintiff have proposed to be used. Arguments by counsel. Commissioner stated there is not enough time to get the discovery before the close of discovery. If there were more time, Commissioner may allow the discovery.

Given the posture of the case, and the timeliness, COMMISSIONER RECOMMENDED, motion is DENIED WITHOUT PREJUDICE; if discovery is extended, the Motion can be re-Noticed. Mr. Wirthlin can submit the search terms today. Arguments by counsel. If discovery is extended by the Judge, Commissioner advised counsel to bring the issue back for the Commissioner to consider. COMMISSIONER RECOMMENDED, Deft is required to respond with bates numbers or bates ranges, and supplement within 30 days. Arguments by counsel regarding the format of document production.

Mr. Ogilvie to prepare the Report and Recommendations, and counsel to approve as to form and content. Comply with Administrative Order 20-10, and submit the DCRR to DiscoveryInbox@clarkcountycourts.us. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution. COMMISSIONER RECOMMENDED, Status Check SET; if the DCRR is submitted, contact the Discovery office to vacate the Status Check.

8-26-2021 9:00 a.m. Status Check: Compliance / 7-29-2021 DCRR

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**July 29, 2021**

---

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)

---

**July 29, 2021      9:30 AM      Motion for Declaratory  
Relief**

**HEARD BY:** Allf, Nancy

**COURTROOM:** RJC Courtroom 16A

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

**PRESENT:**      Ogilvie, George F., III      Attorney  
                         Wirthlin, Brenoch      Attorney

**JOURNAL ENTRIES**

- Present in Courtroom: Brenoch Wirthlin, Esq.  
All other counsel present via the BlueJeans Videoconferencing Application.

Due to time restraints, COURT ORDERED, Plaintiff's Motion for Declaratory Relief CONTINUED.

CONTINUED TO: 8/2/2021 10:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence****COURT MINUTES****August 02, 2021**

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)

**August 02, 2021      10:00 AM      Motion for Declaratory Relief**

**HEARD BY:** Allf, Nancy**COURTROOM:** RJC Courtroom 03A**COURT CLERK:** Carolyn Jackson**RECORDER:** Brynn White**REPORTER:****PARTIES**

**PRESENT:**      Ogilvie, George F., III      Attorney  
Wirthlin, Brenoch      Attorney

**JOURNAL ENTRIES**

- Parties present via Bluejeans Videoconferencing Application.

Upon Courts inquiry Mr. Wirthlin stated this motion is strictly based on admission by corporation. Mr. Wirthlin further added the defendant opposition asserts declaratory relief will not have an impact on this case, however Mr. Wirthlin believes it will narrow issues for the case. Mr. Wirthlin continued by stating declaratory relief will narrow the facts and evidence down substantially to allow trial to be more substantive. Mr. Ogilvie responded, declaratory relief is not appropriate as it has nothing to do with insolvency. Mr. Ogilvie added, the plaintiff can not seek relief because declaratory relief was not pleaded and pursuant to Rule 56, by law it can not be allowed. After hearing arguments, COURT ORDERED, Plaintiffs Motion for Declaratory Relief against the Corporate Defendants Uni-Ter Underwriting, Uni-ter Claims and US Re, relating to the Third, Fourth, and Fifth Causes of Action for Negligence, Misrepresentation, and Fiduciary Duty, DENIED, because there was not a request made in the third amended complaint for declaratory relief. However, it will be GRANTED to the extent that admissions of the defendant of undisputed facts, and will be deemed admitted for the purpose of the case. COURT FURTHER ORDERED, Mr. Wirthlin to prepare the

order and provide a copy to Mr. Ogilvie for review.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**August 25, 2021**

---

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)
---------------	--

---

<b>August 25, 2021</b>	<b>3:00 AM</b>	<b>Minute Order</b>	<b>Minute Order: BlueJeans Appearance</b>
------------------------	----------------	---------------------	---

**HEARD BY:** Allf, Nancy

**COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Department 27 Information to Appear Telephonically

Re: Matter set on August 26, 2021, 10:30 a.m.

Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. Counsel have the choice to appear either by phone or computer/video, however, if appearing remotely via BlueJeans, please appear by audio AND video. Also, in person hearings are now being held in Department 27, at the option of counsel. Mask wearing protocols will be strictly enforced. As of May 1, 2021, the Governor has relaxed the capacity to 80%, so that the courtroom can now accommodate up to 32 people.

Dial the following number: 1-408-419-1715

Meeting ID: 897 138 369

Meeting URL: <https://bluejeans.com/897138369>

To connect by phone dial the number provided and enter the meeting ID followed by #

To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans.

You may also download the Blue Jeans app and join the meeting by entering the meeting ID

PLEASE NOTE the following protocol each participant will be required to follow:

Place your phone on MUTE while waiting for your matter to be called.

Do NOT place the call on hold since some phones may play wait/hold music.

Please do NOT use speaker phone as it causes a loud echo/ringing noise.

Please state your name each time you speak so that the court recorder can capture a clear record.

Please be mindful of rustling papers, background noise, and coughing or loud breathing.

Please be mindful of where your camera is pointing.

We encourage you to visit the [Bluejeans.com](https://bluejeans.com) website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing.

If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing.

Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 8/25/2021.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**August 26, 2021**

---

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)
---------------	--

---

**August 26, 2021      10:30 AM      Calendar Call**

**HEARD BY:** Allf, Nancy **COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Francesca Haak

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Freedman, Kimberly J.	Attorney
	Kolmansberger, Erin K.	Attorney
	Ogilvie, George F., III	Attorney
	Wilson, Jon M.	Attorney
	Wirthlin, Brenoch	Attorney

**JOURNAL ENTRIES**

- Present in the Courtroom: George F. Ogilvie, III, Esq.  
All other parties present via the BlueJeans Videoconferencing Application.

Upon inquiry of Court regarding trial, counsel stated they were ready for trial. Colloquy regarding time needed for trial and moving the Motions in Limine to a special setting. Matter concluded.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence****COURT MINUTES****August 31, 2021**

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)

**August 31, 2021      3:00 AM      Minute Order      Minute Order:  
BlueJeans  
Appearance**

**HEARD BY:** Allf, Nancy**COURTROOM:** No Location**COURT CLERK:** Nicole McDevitt**RECORDER:****REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Department 27 Information to Appear Telephonically

Re: Matter set on September 2, 2021, 10:00 a.m.

Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. Counsel have the choice to appear either by phone or computer/video, however, if appearing remotely via BlueJeans, please appear by audio AND video. Also, in person hearings are now being held in Department 27, at the option of counsel. Mask wearing protocols will be strictly enforced. As of May 1, 2021, the Governor has relaxed the capacity to 80%, so that the courtroom can now accommodate up to 32 people.

Dial the following number: 1-408-419-1715

Meeting ID: 897 138 369

Meeting URL: <https://bluejeans.com/897138369>

To connect by phone dial the number provided and enter the meeting ID followed by #

To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans.

You may also download the Blue Jeans app and join the meeting by entering the meeting ID

PLEASE NOTE the following protocol each participant will be required to follow:

Place your phone on MUTE while waiting for your matter to be called.

Do NOT place the call on hold since some phones may play wait/hold music.

Please do NOT use speaker phone as it causes a loud echo/ringing noise.

Please state your name each time you speak so that the court recorder can capture a clear record.

Please be mindful of rustling papers, background noise, and coughing or loud breathing.

Please be mindful of where your camera is pointing.

We encourage you to visit the [Bluejeans.com](https://bluejeans.com) website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing.

If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing.

Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 8/31/2021.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**September 02, 2021**

---

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)

---

**September 02, 2021    10:00 AM      All Pending Motions**

**HEARD BY:** Allf, Nancy      **COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Melissa Delgado-Murphy

**REPORTER:**

**PARTIES**

**PRESENT:**      Fraser, Tanya      Attorney  
                 Ogilvie, George F., III      Attorney  
                 Orme, Christian M.      Attorney  
                 Wilson, Jon M.      Attorney  
                 Wirthlin, Brenoch      Attorney

**JOURNAL ENTRIES**

- PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT AS TO UNI-TER DEFENDANTS' BREACH OF THEIR FIDUCIARY DUTIES

Arguments by Mr. Wirthlin and Mr. Ogilvie regarding the merits of and opposition to the motion. Court stated its findings and ORDERED, Plaintiff's Motion for Partial Summary Judgment as to Uni-ter Defendants' Breach of their Fiduciary Duties DENIED, it will come in with regard to the contract.

MOTION FOR PARTIAL SUMMARY JUDGMENT REGARDING THE UNI-TER DEFENDANTS FIDUCIARY DUTIES

Arguments by Mr. Wirthlin and Mr. Ogilvie regarding the merits of and opposition to the motion. Court stated its findings and ORDERED, Motion for Partial Summary Judgment Regarding the Uni-ter Defendants Fiduciary Duties DENIED.

PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT AS TO U.S. RE CORPORATION

Arguments by Mr. Wirthlin and Mr. Ogilvie regarding the merits of and opposition to the motion. Court stated its findings and ORDERED, Plaintiff's Motion for Partial Summary Judgment as to U.S. RE Corporation GRANTED IN PART based on the admissions that they did broker the reinsurance and never became licensed, the affect of that to be determined by the jury; DENIED IN PART as to remainder of the motion.

DEFENDANTS' MOTION IN LIMINE NUMBER 1: TO PRECLUDE MARK D. THARP FROM PROVIDING EXPERT TESTIMONY ON IMPERMISSIBLE LEGAL CONCLUSIONS

Arguments by Mr. Wilson and Mr. Wirthlin regarding the merits of and opposition to the motion. COURT ORDERED, Defendants' Motion in Limine Number 1: to Preclude Mark D. Tharp from Providing Expert Testimony on Impermissible Legal Conclusions GRANTED reciprocally.

DEFENDANTS' MOTION IN LIMINE NUMBER 2: TO PRECLUDE MARK D. THARP FROM PROVIDING EXPERT TESTIMONY REGARDING CLAIMS RESERVING AND "SUPPRESSION" OF RESERVES

Arguments by Mr. Wilson and Mr. Wirthlin regarding the merits of and opposition to the motion. Court stated its findings and ORDERED, Defendants' Motion in Limine Number 2: to Preclude Mark D. Tharp from Providing Expert Testimony Regarding Claims Reserving and "Suppression" of Reserves DENIED.

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

Arguments by Mr. Wilson and Mr. Wirthlin regarding the merits of and opposition to the motion. Court stated its findings and ORDERED, 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 DENIED.

PLAINTIFF'S MOTION IN LIMINE NUMBER 6 TO STRIKE PROFFERED EXPERT WITNESS ALAN GRAY

Arguments by Mr. Wirthlin and Mr. Ogilvie regarding the merits of and opposition to the motion. Court stated its findings and ORDERED, Plaintiff's Motion in Limine Number 6 to Strike Proffered Expert Witness Alan Gray DENIED.

PLAINTIFF'S MOTION IN LIMINE NUMBER 1: TO PRECLUDE SAM HEWITT FROM PROVIDING EXPERT TESTIMONY REGARDING INSOLVENCY ANALYSIS

Arguments by Mr. Orme and Mr. Ogilvie regarding the merits of and opposition to the motion. Court stated its findings and ORDERED, Plaintiff's Motion in Limine Number 1: to Preclude Sam Hewitt from Providing Expert Testimony Regarding Insolvency Analysis DENIED

PLAINTIFF'S MOTION IN LIMINE NO. 2 TO PRECLUDE TESTIMONY BY JOSEPH PETRELLI, RICHARD LORD AND JIM MURPHY REGARDING UNPERFORMED SOLVENCY ANALYSIS

Arguments by Mr. Wirthlin and Mr. Wilson regarding the merits of and opposition to the motion.

COURT ORDERED, Plaintiff's Motion in Limine No. 2 to Preclude Testimony by Joseph Petrelli, Richard Lord and Jim Murphy Regarding Unperformed Solvency Analysis GRANTED IN PART, DENIED IN PART; Court will preclude any testimony with regard to insolvency however, Mr. Petrelli, Mr. Lord, and Mr. Murphy can talk about how they rated, what they did as an actuary, and what they did as an auditor.

PLAINTIFF'S MOTION IN LIMINE NUMBER 3 TO PRECLUDE TESTIMONY THAT US RE WAS A LICENSED REINSURANCE BROKER IN NEVADA

Arguments by Mr. Wirthlin and Mr. Wilson regarding the merits of and opposition to the motion. Court stated its findings and ORDERED, Plaintiff's Motion in Limine Number 3 to Preclude Testimony that US RE was a Licensed Reinsurance Broker in Nevada GRANTED.

PLAINTIFF'S MOTION IN LIMINE NUMBER 4 TO PRECLUDE ANY REFERENCE TO REINSURANCE ESTIMATES

Arguments by Mr. Orme and Mr. Wilson regarding the merits of and opposition to the motion. Court stated its findings and ORDERED, Plaintiff's Motion in Limine Number 4 to Preclude any Reference to Reinsurance Estimates DENIED.

PLAINTIFF'S MOTION IN LIMINE NUMBER 5 TO LIMIT THE SCOPE OF EXPERT WITNESS TESTIMONY REGARDING SPECULATION CONCERNING THE ECONOMY

Arguments by Mr. Wirthlin and Mr. Ogilvie regarding the merits of and opposition to the motion. Court stated its findings and ORDERED, Plaintiff's Motion in Limine Number 5 to Limit the Scope of Expert Witness Testimony Regarding Speculation Concerning the Economy DENIED, Court will not allow cumulative evidence.

PLAINTIFF'S MOTION IN LIMINE NUMBER 7 TO PRECLUDE INTRODUCTION OF IRRELEVANT EVIDENCE FROM RECEIVERSHIP ACTION, CASE NO. A-12-672047-C

There being no opposition, COURT ORDERED, Plaintiff's Motion in Limine Number 7 to Preclude Introduction of Irrelevant Evidence from Receivership Action, Case No. A-12-672047-C GRANTED.

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

Arguments by Mr. Ogilvie and Mr. Orme regarding the merits of and opposition to the motion. COURT ORDERED, 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 GRANTED IN PART, OVERRULED IN PART, Plaintiff can prioritize twenty requests for production of documents and provide those, Plaintiff will be required to search and provide bates ranges and numbers for the top twenty.

Colloquy regarding trial schedule and trial procedures.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**September 20, 2021**

---

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)

---

**September 20, 2021      10:30 AM      Jury Trial**

**HEARD BY:** Allf, Nancy

**COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt  
Patia Cunningham

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Fraser, Tanya	Attorney
	Ogilvie, George F., III	Attorney
	Orme, Christian M.	Attorney
	Wilson, Jon M.	Attorney
	Wirthlin, Brenoch	Attorney

**JOURNAL ENTRIES**

- Also present: Robert Greer, Receiver.

**OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS**

Colloquy regarding jury selection, resolution of disputed voir dire questions, adverse witnesses, and request to take judicial notice. There being no objection, COURT ORDERED, request to take judicial notice GRANTED. Upon inquiry of Court regarding seating additional alternate jurors, both sides agreed to do so.

**PROSPECTIVE JURORS PRESENT**

Prospective jury panel present. Jury and alternate juror selected and sworn. COURT ORDERED, trial CONTINUED.

**OUTSIDE THE PRESENCE OF THE JURY**

Court noted there was a issue with the jury selection and the matter could be taken up at the start of trial on September 21, 2021. Trial recessed for the evening.

CONTINUED TO: 9/21/2021 9:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**September 21, 2021**

---

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)

---

**September 21, 2021      9:30 AM      Jury Trial**

**HEARD BY:** Allf, Nancy

**COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt  
Patia Cunningham

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Fraser, Tanya	Attorney
	Ogilvie, George F., III	Attorney
	Orme, Christian M.	Attorney
	Wilson, Jon M.	Attorney
	Wirthlin, Brenoch	Attorney

**JOURNAL ENTRIES**

- Also present: Robert Greer, Receiver.

**OUTSIDE THE PRESENCE OF THE JURY**

Colloquy regarding issues with jury selection and preemptory challenges placed on record. Mr. Ogilvie requested proposed jury list and preemptory challenges be made part of the record. Court Clerk stated it would mark those documents as Court's exhibits. Colloquy regarding scheduling issues and depositions of adverse witnesses. Court directed counsel to exchange the depositions and Court will make rulings as to the objections in them. Colloquy regarding stipulated exhibits and objection to jury instruction.

**JURY PRESENT**

Exclusionary rule is invoked. Opening statements by Mr. Wirthlin.



OUTSIDE THE PRESENCE OF THE JURY

Mr. Wilson placed objections on the record regarding opening statements made by Mr. Wirthlin.

JURY PRESENT

Opening statements by Mr. Wilson. Testimony and exhibits presented (see worksheets). Deposition of Eric E. Stickels was PUBLISHED and FILED IN OPEN COURT. Deposition of Mark Garber (volumes 1 and 2) were PUBLISHED and FILED IN OPEN COURT. Deposition of Mark Garber was PUBLISHED and FILED IN OPEN COURT. Deposition of Steven Charles Fogg was PUBLISHED and FILED IN OPEN COURT. Deposition of Robert W. Hurlbut was PUBLISHED and FILED IN OPEN COURT. COURT ORDERED, trial CONTINUED.

OUTSIDE THE PRESENCE OF THE JURY

Court recessed for the evening.

CONTINUED TO: 9/22/2021 1:00 PM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**September 22, 2021**

---

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)

---

**September 22, 2021      1:00 PM      Jury Trial**

**HEARD BY:** Allf, Nancy

**COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt  
Patia Cunningham

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Fraser, Tanya	Attorney
	Ogilvie, George F., III	Attorney
	Orme, Christian M.	Attorney
	Wilson, Jon M.	Attorney
	Wirthlin, Brenoch	Attorney

**JOURNAL ENTRIES**

- Also present: Robert Greer, Receiver.

**OUTSIDE THE PRESENCE OF THE JURY**

Colloquy regarding scope of the next witness. Mr. Wirthlin requested to publish admitted exhibits by providing binders to jurors of admitted exhibits. Mr. Wilson stated he had no objection as long as they were admitted exhibits. Court stated it would allow the binders to be provided to the jurors.

**JURY PRESENT**

Testimony and exhibits presented (see worksheets). COURT ORDERED, trial CONTINUED.

**OUTSIDE THE PRESENCE OF THE JURY**

Colloquy regarding scheduling of witnesses. Trial recessed for the evening.

CONTINUED TO: 9/23/2021 1:00 PM

--

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**September 23, 2021**

---

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)

---

**September 23, 2021      1:00 PM      Jury Trial**

**HEARD BY:** Allf, Nancy

**COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt  
Patia Cunningham

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Also present: Robert Greer, Receiver.

OUTSIDE THE PRESENCE OF THE JURY

Mr. Withlin stated opposing counsel may be using claims files today and there are privacy issues as to those files. Mr. Wilson stated if he talks about the files he will use first names only and not last names. Mr. Wirthin stated that would be fine

JURY PRESENT

Testimony and exhibits presented (see worksheets). COURT ORDERED, trial CONTINUED.

OUTSIDE THE PRESENCE OF THE JURY

Objections made at side bar placed on the record. Trial recessed for the evening.

CONTINUED TO: 9/24/2021 9:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**September 24, 2021**

---

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)

---

**September 24, 2021    9:30 AM      Jury Trial**

**HEARD BY:** Allf, Nancy

**COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt  
Patia Cunningham

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Fraser, Tanya	Attorney
	Ogilvie, George F., III	Attorney
	Orme, Christian M.	Attorney
	Wilson, Jon M.	Attorney
	Wirthlin, Brenoch	Attorney

**JOURNAL ENTRIES**

- Also present: Robert Greer, Receiver.

OUTSIDE THE PRESENCE OF THE JURY  
Colloquy regarding note from juror and trial schedule

JURY PRESENT  
Testimony and exhibits presented (see worksheets).

OUTSIDE THE PRESENCE OF THE JURY  
Colloquy regarding note from juror with scheduling conflict.

JURY PRESENT

Testimony and exhibits presented (see worksheets).

OUTSIDE THE PRESENCE OF THE JURY

Mr. Wirthlin advised that several exhibits that were stipulated to on September 21, 2021 were skipped in the exhibit binders and no actually exhibits exist for those stipulated exhibits. Mr. Wirthlin further advised that those exhibits need to be un-admitted as well as two other exhibits to depositions that were not provided but admitted. COURT ORDERED, exhibits 204, 210, 216, 220, 228, 233, 239, 240, 242, 252, 343, and 351 STRICKEN as to admittance. Colloquy regarding objections to exhibits Plaintiffs intend to admit with the witness. Court stated a foundation could be laid with the witnesses at the time of testimony to admit the exhibits and no cumulative testimony is to be provided.

JURY PRESENT

Testimony and exhibits presented (see worksheets).

OUTSIDE THE PRESENCE OF THE JURY

COURT ORDERED, trial CONTINUED.

OUTSIDE THE PRESENCE OF THE JURY

Trial recessed for the evening.

CONTINUED TO: 9/27/2021 9:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**September 27, 2021**

---

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)

---

**September 27, 2021    9:30 AM      Jury Trial**

**HEARD BY:** Allf, Nancy

**COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Natalie Ortega

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Fraser, Tanya	Attorney
	Ogilvie, George F., III	Attorney
	Orme, Christian M.	Attorney
	Wilson, Jon M.	Attorney
	Wirthlin, Brenoch	Attorney

**JOURNAL ENTRIES**

- OUTSIDE THE PRESENCE OF THE JURY:

Colloquy regarding presenting testimony and depositions.

INSIDE THE PRESENCE OF THE JURY:

Testimony present (see worksheets).

OUTSIDE THE PRESENCE OF THE JURY:

Colloquy regarding examination of Ms. Miller.

INSIDE THE PRESENCE:

Testimony continues.

OUTSIDE THE PRESENCE:

COURT ORDERED, the objections to the question during testimony as to form OVERRULED.

INSIDE THE PRESENCE:

Video deposition played. Testimony presented (see worksheet). Depositions FILED IN OPEN COURT.

EVENING RECESS.

COURT ORDERED, trial CONTINUED.

CONTINUED TO: 09/28/21 9:30 AM





JURY PRESENT

Testimony and exhibits presented (see worksheets).

OUTSIDE THE PRESENCE OF THE JURY

Mr. Ogilvie advised that Mr. Wilson is feeling ill and would like to recess for the evening. No objection from Plaintiff's counsel.

JURY PRESENT

COURT ORDERED, trial CONTINUED.

CONTINUED TO 9/29/2021 1:10 PM

September 29, 2021

Minutes Date: January 27, 2016

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**October 01, 2021**

---

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)

---

**October 01, 2021      1:00 PM      Jury Trial**

**HEARD BY:** Allf, Nancy      **COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Fraser, Tanya	Attorney
	Ogilvie, George F., III	Attorney
	Orme, Christian M.	Attorney
	Wilson, Jon M.	Attorney
	Wirthlin, Brenoch	Attorney

**JOURNAL ENTRIES**

- Robert Greer, Receiver, also present.

**JURY PRESENT**

Testimony and exhibits presented (see worksheets).

**OUTSIDE THE PRESENCE OF THE JURY**

Colloquy regarding trial schedule and availability of jurors.

**JURY PRESENT**

Testimony and exhibits presented (see worksheets). COURT ORDERED, trial CONTINUED.

**OUTSIDE THE PRESENCE OF THE JURY**

Colloquy with Juror #6, outside the present of the other jurors, regarding trial schedule and juror's

conflict on October 11, 2021. Court recessed for the evening.

CONTINUED TO: 10/5/2021 8:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**October 05, 2021**

---

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)
---------------	--

---

**October 05, 2021      8:30 AM      Jury Trial**

**HEARD BY:** Allf, Nancy

**COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Michelle Jones

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Fraser, Tanya	Attorney
	Ogilvie, George F., III	Attorney
	Orme, Christian M.	Attorney
	Wilson, Jon M.	Attorney
	Wirthlin, Brenoch	Attorney

**JOURNAL ENTRIES**

- Called To Order. Jury Present.

Testimony and exhibits presented. (See worksheets),

Jury excused for the evening with the instruction to 1:00pm.

Outside the Presence of the Jury. Statements by counsel regarding demonstrative exhibits and witness testimony.

Trial Adjourned.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**October 06, 2021**

---

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)

---

**October 06, 2021      1:00 PM      Jury Trial**

**HEARD BY:** Allf, Nancy

**COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Jill Chambers

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Fraser, Tanya	Attorney
	Ogilvie, George F., III	Attorney
	Orme, Christian M.	Attorney
	Wirthlin, Brenoch	Attorney

**JOURNAL ENTRIES**

- INSIDE THE PRESENCE ON THE JURY

Testimony and exhibits presented. (See worksheets)

OUTSIDE THE PRESENCE ON THE JURY

Court questioned juror #6 about her ability to continued serving. The Juror stated that she would not be able to serve.

COURT ORDERED, JUROR NUMBER SIX, DISMISSED.

TRIAL CONTINUES: 10/7/21 11:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**October 07, 2021**

---

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)

---

**October 07, 2021      11:00 AM      Jury Trial**

**HEARD BY:** Allf, Nancy

**COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nylasia Packer

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Fraser, Tanya	Attorney
	Freedman, Kimberly J.	Attorney
	Kolmansberger, Erin K.	Attorney
	Ogilvie, George F., III	Attorney
	Orme, Christian M.	Attorney
	Wilson, Jon M.	Attorney
	Wirthlin, Brenoch	Attorney

**JOURNAL ENTRIES**

- Robert Greer, Receiver, also present.

**OUTSIDE THE PRESENCE OF THE JURY**

Colloquy regarding jury instructions.

**JURY PRESENT**

Testimony and exhibits presented (see worksheets). Court admonished Jurors for lunch.

**OUTSIDE THE PRESENCE OF THE JURY**

Colloquy regarding stipulation to rebuttals. Upon Court's inquiry, parties agreed and confirmed to be able to discuss jury instructions on the continued date.



JURY PRESENT

Testimony and exhibits presented (see worksheets). Court admonished Jurors for break.

OUTSIDE THE PRESENCE OF THE JURY

Colloquy regarding trial schedule.

JURY PRESENT

Testimony and exhibits presented (see worksheets). Court admonished Jurors to go home and informed Jurors of trial schedule. COURT ORDERED, trial CONTINUED.

CONTINUED TO: 10/8/2021 9:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**October 08, 2021**

---

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)
---------------	--

---

**October 08, 2021      9:30 AM      Jury Trial**

**HEARD BY:** Allf, Nancy      **COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Fraser, Tanya	Attorney
	Ogilvie, George F., III	Attorney
	Orme, Christian M.	Attorney
	Wilson, Jon M.	Attorney
	Wirthlin, Brenoch	Attorney

**JOURNAL ENTRIES**

- Robert Greer, representative for Plaintiff also present.

**JURY PRESENT**

Testimony and exhibits presented (see worksheets). Plaintiff rests. Testimony and exhibits presented (see worksheets).

**OUTSIDE THE PRESENCE OF THE JURY**

Counsel waived the formality of publishing the depositions read to the jury.

**JURY PRESENT**

Testimony and exhibits presented (see worksheets). COURT ORDERED, trial CONTINUED.

**OUTSIDE THE PRESENCE OF THE JURY**

Colloquy regarding jury instructions and trial schedule. Court recessed for the evening.

CONTINUED TO: 10/11/2021 9:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**October 11, 2021**

---

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)
---------------	--

---

**October 11, 2021      9:30 AM      Jury Trial**

**HEARD BY:** Allf, Nancy

**COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Carina Bracamontez-Munguia

**RECORDER:** Sara Richardson

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Fraser, Tanya	Attorney
	Ogilvie, George F., III	Attorney
	Orme, Christian M.	Attorney
	Wilson, Jon M.	Attorney
	Wirthlin, Brenoch	Attorney

**JOURNAL ENTRIES**

- ALSO PRESENT: Robert Greer, representative for Plaintiff.

**OUTSIDE THE PRESENCE OF THE JURY**

Colloquy regarding finalizing the jury instructions, the anticipated amount of remaining witness, and trial schedule. Court reminded counsel one of the jurors had an appointment tomorrow afternoon.

**JURY PRESENT**

Testimony and exhibits presented (see worksheets).

COURT ORDERED, trial CONTINUED. Court instructed Jury to return at 9:30 a.m. tomorrow.

OUTSIDE THE PRESENCE OF THE JURY

Colloquy as to trial schedule. Court recessed for the evening.

CONTINUED TO: 10-12-2021 09:30 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**October 12, 2021**

---

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)
---------------	--

---

**October 12, 2021      9:30 AM      Jury Trial**

**HEARD BY:** Allf, Nancy **COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Fraser, Tanya	Attorney
	Ogilvie, George F., III	Attorney
	Orme, Christian M.	Attorney
	Wilson, Jon M.	Attorney
	Wirthlin, Brenoch	Attorney

**JOURNAL ENTRIES**

- Robert Greer, representative for Plaintiff also present.

**JURY PRESENT**

Testimony and exhibits presented (see worksheets). Defendant rests. Testimony and exhibits presented (see worksheets). COURT ORDERED, trial CONTINUED.

**OUTSIDE THE PRESENCE OF THE JURY**

Colloquy as to trial scheduling and jury instructions. Court recessed for the evening.

CONTINUED TO: 10/13/2021 9:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**October 13, 2021**

---

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)

---

**October 13, 2021      9:30 AM      Jury Trial**

**HEARD BY:** Allf, Nancy

**COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Fraser, Tanya	Attorney
	Ogilvie, George F., III	Attorney
	Orme, Christian M.	Attorney
	Wilson, Jon M.	Attorney
	Wirthlin, Brenoch	Attorney

**JOURNAL ENTRIES**

- Robert Greer, Esq., representative of Plaintiff also present.

**OUTSIDE THE PRESENCE OF THE JURY**

Colloquy regarding jury instructions, verdict form, and witness schedule.

**JURY PRESENT**

Testimony and exhibits present (see worksheets).

**OUTSIDE THE PRESENCE OF THE JURY**

Colloquy regarding jury instructions and verdict form issues. Further colloquy regarding excusing jury for the date for continued settling of jury instructions.

**JURY PRESENT**

COURT ORDERED, trial CONTINUED.

OUTSIDE THE PRESENCE OF THE JURY  
Court recessed for the evening.

CONTINUED TO: 10/14/2021 12:00 PM



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**October 14, 2021**

---

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)

---

**October 14, 2021      12:00 AM      Jury Trial**

**HEARD BY:** Allf, Nancy

**COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt  
Patia Cunningham

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Fraser, Tanya	Attorney
	Ogilvie, George F., III	Attorney
	Orme, Christian M.	Attorney
	Wilson, Jon M.	Attorney
	Wirthlin, Brenoch	Attorney

**JOURNAL ENTRIES**

- Robert Greer, Receiver, also present.

**OUTSIDE THE PRESENCE OF THE JURY**  
Jury instructions settled on the record.

**JURY PRESENT**  
Court read jury instructions to the jury.

**OUTSIDE THE PRESENCE OF THE JURY**  
Mr. Ogilvie stated parties have stipulated that the defense closing arguments will be split between Mr. Wilson and himself. Mr. Wilson stated that was correct.

**JURY PRESENT**

Closing arguments by Mr. Wirthlin, Mr. Wilson, and Mr. Ogilvie. Court Marshal and Judicial Executive Assistant sworn to take charge of the jury at 3:38 PM.

**OUTSIDE THE PRESENCE OF THE JURY**

Questions from the jury resolved on the record. Objections and resolutions placed on the record.

**JURY PRESENT**

Jury returned with a verdict at 5:21 PM. Same parties present (or if one does not return, list who is present). **JURY FOUND IN FAVOR OF PLAINTIFF and AWARDED \$15,222,853.00.** Jury polled at the request of Mr. Ogilvie. Court thanked and excused the Jury.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**November 24, 2021**

---

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)

---

**November 24, 2021      10:00 AM      Motion for Order**

**HEARD BY:** Allf, Nancy      **COURTROOM:** RJC Courtroom 16A

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

**PRESENT:**      Ogilvie, George F., III      Attorney  
                         Wirthlin, Brenoch      Attorney

**JOURNAL ENTRIES**

- Present in Courtroom: George F. Ogilvie, III  
Present via BlueJeans Videoconferencing Application: Brenoch Wirthlin, Esq.

Arguments by counsel regarding the merits of and opposition to the motion. Court stated its findings and ORDERED, 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 GRANTED. Mr. Ogilvie to prepare the order and submit it to opposing counsel for approval as to form.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**May 02, 2022**

---

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)

---

**May 02, 2022      3:00 AM      Motion to Amend**

**HEARD BY:** Allf, Nancy      **COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT FINDS after review that on March 31, 2022, Plaintiffs Motion to Amend Pleadings to Conform Them to the Evidence (Motion to Amend) was filed. A Motion to Amend is scheduled for May 11, 2022, at 9 am on Motion Calendar.

COURT FURTHER FINDS after review EDCR 2.20(e) provides in relevant part: [f]ailure of the opposing party to serve and file written opposition may be construed as an admission that the motion and/or joinder is meritorious and a consent to granting the same.

COURT FURTHER FINDS after review that no opposition to the Motion to Amend was filed.

THEREFORE COURT ORDERS for good cause appearing and after review the Motion to Amend is hereby GRANTED and the matter scheduled for May 11, 2022, at 9 am on Motion Calendar is hereby VACATED. Movant to prepare the Order in compliance with EDCR 7.21 and email it in pdf format to DC27Inbox@ClarkCountyCourts.us

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 5/2/2022



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Negligence - Other Negligence

# COURT MINUTES

September 07, 2022

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)

**September 07, 2022      10:30 AM      All Pending Motions**

**HEARD BY:** Allf, Nancy

**COURTROOM:** RJC Courtroom 16A

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn White

**REPORTER:**

## PARTIES

<b>PRESENT:</b>	Ogilvie, George F., III	Attorney
	Wirthlin, Brenoch	Attorney

## JOURNAL ENTRIES

- Appearances made via the BlueJeans Video Conferencing Application.

Court noted impressions and thoughts it had formed regarding the pending motions.

## MOTION FOR ATTORNEY FEES AND COSTS

Arguments by counsel regarding the merits of and opposition to the motion.

Court stated its findings and ORDERED, Motion for Attorney Fees and Costs GRANTED with the amount to be determined at a later date; counsel may file unredacted billing records on a sealed basis, so long as they are served to opposing counsel; the records may be redacted as to attorney/client privilege, and not for lock billing.

COURT FURTHER ORDERED, fees and costs are to be related to this case, and no costs are to be related to the administration in any way.

COURT FURTHER ORDERED miscellaneous costs DISALLOWED unless there is more

documentation provided with regard to them; any miscellaneous costs that relate to attorney fees DISALLOWED.

COURT FURTHER ORDERED, the apportionment will be JOINT AND SEVERAL as to Uni-Ter and U S Re Corporation; there is no ruling against the directors at this time.

COURT FURTHER ORDERED, any costs that were unrelated to the corporate defendants, except for computer related costs, will be DISALLOWED; the receiver is required to re-calculate pre-judgment interest on any costs.

COURT FURTHER ORDERED, supplemental information with regard to Greer and Anderson costs, Betty Cordial, travel time, bank fees, off-site storage in West Virginia, and moving storage to be provided and this is TAKEN UNDER SUBMISSION.

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)

Upon inquiry of Court if matter should be taken off calendar, Mr. Ogilvie stated it could. COURT ORDERED, 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) OFF CALENDAR.

DEFENDANT'S MOTION TO RETAX MEMORANDUM OF COSTS

Counsel submitted on their pleadings. Court noted this motion had been addressed in Court's prior ruling as to Plaintiff's Motion for Fees and Costs. Mr. Ogilvie submitted on the pleadings. COURT ORDERED, Defendant's Motion to Retax Memorandum of Costs GRANTED IN PART, DENIED IN PART consistent to the ruling as to the Motion for Fees and Costs.

PLAINTIFF'S MOTION TO ALTER OR AMEND JUDGMENT PURSUANT TO NRCP 59

Arguments by Mr. Wirthlin in support of his motion. Mr. Ogilvie submitted on the pleadings. COURT ORDERED, Plaintiff's Motion to Alter or Amend Judgment Pursuant to NRCP 59 GRANTED. Court directed counsel to submit any supplemental pleadings within THIRTY (30) DAYS as to fees and costs. COURT ORDERED, status check SET on a chambers calendar in SIXTY (60) DAYS for Court to rule on the outstanding issues. Mr. Wirthlin stated he would prepare the orders and submit them to opposing counsel.

11/8/2022 (CHAMBERS) STATUS CHECK: RULINGS ON OUTSTANDING ISSUES

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**November 08, 2022**

---

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)

---

**November 08, 2022      3:00 AM      Status Check**

**HEARD BY:** Allf, Nancy

**COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT FINDS after review that on September 7, 2022, all pending motions were heard on Motion Calendar. The Court directed counsel to submit any supplemental pleadings within Thirty (30) Days as to fees and costs. COURT ORDERED, status check set on a chambers calendar in sixty (60) days for Court to rule on the outstanding issues.

COURT FINDS after review that on October 7, 2022, a Supplement to Errata to Plaintiff s Verified Memorandum of Costs ( Supplement ) was filed by Plaintiff.

COURT FURTHER FINDS after review EDCR 2.20(e) provides in relevant part: [f]ailure of the opposing party to serve and file written opposition may be construed as an admission that the motion and/or joinder is meritorious and a consent to granting the same.

COURT FURTHER FINDS after review no opposition to the Supplement has been filed.

THEREFORE COURT ORDERS for good cause appearing and after review the Supplement is hereby GRANTED and the matter scheduled for November 8, 2022, on Chamber Calendar is hereby VACATED. Movant to prepare the Order in compliance with EDCR 7.21 and email it in pdf format to



DC27Inbox@ClarkCountyCourts.us

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 11/8/2022

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence****COURT MINUTES****November 10, 2022**

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)

<b>November 10, 2022</b>	<b>10:00 AM</b>	<b>Motion to Dismiss</b>	<b>Motion to Dismiss and Enforce Settlement Agreement on OST</b>
--------------------------	-----------------	--------------------------	--

**HEARD BY:** Allf, Nancy**COURTROOM:** RJC Courtroom 16A**COURT CLERK:** Nicole McDevitt  
Joy McClain**RECORDER:** Brynn White**REPORTER:****PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Appearances made via the BlueJeans Videoconferencing Application.

Arguments by Mr. Wirthlin and Ms. Armstrong regarding the merits of and opposition to the motion. Court stated that due to the filing of the appeal on November 9, 2022, Court is divested of jurisdiction and ORDERED, Motion to Dismiss and Enforce Settlement Agreement on OST OFF CALENDAR. Court noted its advisory opinion as to the motion. Mr. Ogilvie stated he does not believe the Court is divested of jurisdiction due to the appeal and he would brief that in a motion for reconsideration. Plaintiff to prepare the order and submit it to opposing counsel for approval as to form.

# EXHIBIT(S) LIST

Case No.: **A711535**

Trial Date: **9/20/2021**

Dept. No.: **27**

Judge: **Nancy Allf**

Court Clerk: **Nicole McDevitt**

Plaintiff: **Commissioner of Insurance  
for the State of Nevada as  
Receiver of**

Recorder / Reporter: **Brynn White**

**Lewis and Clark**

Counsel for Plaintiff: **Brennoch Wirthlin, Esq.**

vs.

Defendant: **Robert Chur**

Counsel for Defendant: **Christian Orme, Esq., Tanya Fraser, Esq.  
Jon M. Wilson, Esq.  
George Ogilve, Esq.**

## JURY TRIAL BEFORE THE COURT

### PLAINTIFF'S EXHIBITS

Exhibit No.	Document Description	Offered	Obj.	Admitted	
1	Depo Notice - NRCP 30(b)(6) for Plaintiff				wa
2	Third Amended Complaint				wa
3	Declaration of Jeff Marshall (ISO Opposition to Plaintiff's 1st CMSJ)	9-21-21	Stip	9-21-21	wa
4	Letter from C. Akridge to T. Verbrugghen re L&C/SP merger	↓	↓	↓	wa
5	L&C BOD Meeting Minutes	↓	↓	↓	wa
6	Letter From Stiefel (Praxis) to Piccione, Elsass, Davies re On-site Claims Audit - 9/8-9/9/2011	↓	↓	↓	wa
7	Management Agreement (and 1 <sup>st</sup> - 8 <sup>th</sup> Amends)	↓	↓	↓	wa
8	Unanimous Written Consent Action by L&C BOD (In Lieu of a Special Meeting)	↓	↓	↓	wa
9	L&C DOI Application and Business Plan Section 3, Section 5, Section 8, Section 9	↓	↓	↓	wa
10	L&C Amended Business Plan (9/11/2009)	9-21-21	Stip	9-21-21	wa
11	L&C - US RE Broker of Record Letter Agreement	↓	↓	↓	wa
12	L&C BOD Meeting Minutes	↓	↓	↓	wa

## EXHIBIT(S) LIST

13	Plaintiff's Amended Responses to Defendants' 1st ROGs			
14	DOI Letter re L&C Deteriorating Financial Condition	9-21-21	SHIP	9-21-21
15	L&C BOD Meeting Minutes	↓	↓	↓
16	UniTers' App for Out-of-State Deposition of Steven Fogg			
17	Email from Michelle Smith (Uni-Ter) re L&C BOD Agenda with Attachment	9-21-21	SHIP	9-21-21
18	Email Chain re incident sensitive coverage trigger/manner of reporting claims			
19	Email Chain re Spero v Plaza Regency			
20	Email Chain re L&C reinsurance			
21	Email Chain re ROR and retention letters			
22	Email Chain re Country Villa			
23	Email Chain re Country Villa			
24	Email Chain re Country Villa			
25	Email Chain re Country Villa			
26	L&C BOD Meeting Minutes			
27	L&C BOD Meeting Minutes			
28	L&C BOD Meeting Minutes			
29	L&C BOD Meeting Minutes			
30	Email from Fogg to Elsass, Dalton re specific claim info request			
31	Email Chain re L&C Loss Analysis and L&C After Audit Reserves at 11/30/2011			
32	Email from Marshall to Elsass, Dalton (and ccs) re questions			
33	Email from Sitterson re L&C BOD meeting (12/23/2011) and resolutions			
34	Email Chain re Praxis reserve spreadsheet updated with Sept reserves			
35	Email Chain re Projection for December - L&C			
36	Email Chain re Fishlinger review of claims	↓	↓	↓

## EXHIBIT(S) LIST

37	Email Chain re Fogg answers to questions	9-21-21	Stip	9-21-21	WA
38	Email Chain re Fishlinger review of claims				
39	Email Chain re Fishlinger review of claims				
40	Email Chain b/w Fogg, Sitterson, Elsass, Dalton re potential agenda template for BOD conference call				
41	Email from Dalton re BOD Materials with attachments				
42	L&C BOD Meeting Minutes re SP merger "pending further relevant" info				
43	Email Chain re Sophia – merger financial notes				
44	L&C BOD Meeting Minutes – SP merger approval				
45	DOI letter re 6/30/2011 L&C Deteriorating Financing Condition				
46	DOI Letter re Post Sophia Palmer Merger Deteriorating Financial Condition				
47	Declaration of Eric Stickles (ISO Opposition to Plaintiff's 1 <sup>st</sup> CMSJ)				
48	L&C BOD Meeting Minutes				
49	L&C BOD Meeting Minutes				
50	L&C BOD Meeting Minutes				
51	L&C BOD Meeting Minutes				
52	L&C BOD Meeting Minutes				
53	L&C BOD Meeting Minutes				
54	L&C BOD Meeting Minutes				
55	L&C BOD Meeting Minutes – Sonoma (re CV)				
56	L&C BOD Meeting Minutes				
57	L&C BOD Meeting Minutes				
58	L&C BOD Meeting Minutes				
59	Letter to Dalton from R. Lord (Milliman) re actuarial opinion summary, 12/31/2010				
60	Letter to Dalton from R. Lord (Milliman) re actuarial opinion summary, 12/31/2011				
61	Email Chain from Elsass to Stickels / BOD re SP merger				

# EXHIBIT(S) LIST

62	Email Chain from Stickels <i>re</i> software financing	9-21-21	stip	9-21-21	WA
63	Email Chain from Davies re BOD resolution of Oneida loan facility				
64	Email Chain from Stickels re Logan Capital				
65	Email Chain from Dalton re 1st Amend to Brokerage Agreement (with attachment)				
66	Email Chain from T Dugan re interview				
67	Email Chain from Stickels re Country Villa				
68	Email Chain from Dalton to Stickels re L&C sub account				
69	Email Chain from Fogg re L&C 6/2011 Financials				
70	Email from Elsass to Fogg, Garber, Stickels re thoughts before the L&C 1:00 p.m. call				
71	Email Chain from Elsass re Bill Fishlinger				
72	Email from Stickels to Elsass re HealthCap				
73	Email Chain from Stickels re BHL-Oneida 2011 payments				
74	Email chain from J Martin to Marshall and Elsass re Eagle Healthcare				
75	Email chain from Greg Worden to Marshall and J Martin re Yabaki v. Eagle				
76	Email chain from Dalton to J Miller regarding Eagle Healthcare Loss Run				
77	Email chain from Garber to BOD, Sitterson re Country Villa				
78	Document entitled UniTer UMC Gen'l / Prof'l Liability Quotation				
79	Memo from Paul Meshekow (CV) to Chamberlain re Country Villa 2011 Renewal				
80	Email chain from Garber to Marshall re Country Villa				
81	Email chain from Marshall to J Miller, Elsass, Dalton, BOD re Country Villa				
82	Case Review and Reserve Analysis				
83	Email chain from Marshall to J Miller, Elsass, Dalton, BOD re Nevarrez v. CV San Marino				
84	Email from Dalton to BOD re L&C Loss Analysis (with attachments)				
85	Email chain from Dalton to BOD re Updated Praxis reserve spreadsheet				

# EXHIBIT(S) LIST

86	Email from Marshall to Elsass, Dalton re Questions	9-21-21	Stip	9-21-21	WA
87	Email from Sitterson to Piccione, Elsass, Dalton re L&C				
88	Email chain from Marshall to Elsass, Sitterson re L&C				
89	Email from Dalton to Sitterson re BOD Memo (with attachments)				
90	Email chain from Dalton to BOD, Elsass re L&C				
91	Email chain from Marshall to Sitterson re L&C				
92	Email from Sitterson to Elsass, Dalton, Piccione, Davies, Stieffel re Meeting today				
93	L&C BOD Meeting Minutes				
94	L&C BOD Meeting Minutes				
95	L&C BOD Meeting Minutes				
96	Annual Shareholders Letter from Marshall				
97	Email chain from Dalton re need discussion w/ Dick re Elsass lower reserves to fix balance sheets				
98	Oneida Case Complaint (N.D.N.Y; Case No. 5:13-cv-00746)				
99	Elsass / Dalton's Motion to Dismiss Oneida Complaint				
100	Oneida/BOD entities' Opposition to Motion to Dismiss Oneida Complaint				
101	Email chain from Harter re Country Villa				
102	Email from Chamberlain to Elsass re Country Villa history				
103	L&C Annual Statement – 12/31/2011				
104	L&C Annual Statement – 12/31/2010				
105	L&C BOD Meeting Minutes				
106	Email chain from Dalton re SP Merger (with attachments)				
107	Letter from Bud Brittain (DOI) to Marshall re examination report				
108	Email chain from Elsass to Harter re BOD meeting				
109	Email chain from Harter to Elsass re reinsurance				

## EXHIBIT(S) LIST

110	Email chain from Elsass re L&C June financials	9-21-21	STIP	9-21-21	WA
111	Email chain from Arlene Garland re L&C adverse development cover				
112	Email chain from Hurlbut re Meeting				
113	Email chain from Hurlbut re Meeting				
114	Email chain from Hurlbut re L&C Preliminary YE 2011, Proforma 2012				
115	Email chain from Hurlbut re Country Villa				
116	Email chain from Elsass re terms of management agreements				
117	Email chain b/w Dalton, DOI, Sitterson, Akridge re L&C Post-SP Merger Capital Deterioration				
118	L&C BOD Meeting Minutes				
119	Email chain from Sitterson re L&C				
120	Email chain from Harter re L&C 2011 YE statement				
121	Email chain from Harter re L&C BOD resolutions				
122	Email chain from Harter re Lewis & Clark strategies				
123	Email chain from Harter re L&C				
124	Email chain from Harter re CV/Garcia - Marshall Manley's take on Country Villa				
125	Email chain from Fogg re L&C 6/2011 Financials				
126	Email chain from Dalton <i>to whom?</i> re L&C Loss Analysis				
127	Email chain from Dalton <i>to whom?</i> re Fishlinger review of claims				
128	Email chain from Arlene Garland re L&C adverse development cover				
129	Email chain from Elsass re Country Villa				
130	Email chain from Hurlbut re Country Villa				
131	Email chain from Hurlbut re Monday's BOD Mtg	↓	↓	↓	
132	Amended NDEP 30(b)(6) UniTer UMC				
133	Email Piccione to Dalton re on site visit to Atlanta re Production overemphasized	9-21-21	STIP	9-21-21	



## EXHIBIT(S) LIST

134	Renewed Management Agreement	9-21-21	STP	9-21-21
135	L&C BOD Meeting Minutes	↓	↓	↓
136	L&C BOD Meeting Minutes	↓	↓	↓
137	Email chain Shatoff to Elsass, Dalton re booking "profit commission" from reinsurance treaty commutations	↓	↓	↓
138	DOI Report of Examination of L&C (J Moskowitz)	9-24-21	NO	9-24-21
139	Letter from Malone to Shatoff re relax underwriting	9-21-21	STP	9-21-21
140	Memo from UniTer to BOD re Marshall questions prior to meeting	↓	↓	↓
141	Memo from UniTer to BOD re claims reserving philosophy	↓	↓	↓
142	Country Villa Underwriting Risk Management Clinical Review – 2011, not acceptable risk	↓	↓	↓
143	FL OIC Technology Report of UniTer	↓	↓	↓
144	Email Amy Hodge to T Dugan re problems with Pyramid program	↓	↓	↓
145	Email Elsass to Dalton, Ciervo, etc re Pyramid as "inept" system	↓	↓	↓
146	Country Villa Underwriting Risk Management Clinical Reviews – 2009	↓	↓	↓
147	Email from P Hannam / Nick Readings to Piccione, Davies re BeazleyRe's concerns about L&C	↓	↓	↓
148	Letter from Elsass to Shatoff re sudden upward claim development	9-21-21	STP	9-21-21
149	Memo to Elsass / "File" from Piccione, Davies regarding (1) UniTer exposure, claim to insurance; (2) UniTer's former claims practices	↓	↓	↓
150	Letter to DOI from Akridge summarizing corrective steps after 2011 DOI letter	↓	↓	↓
151	Email chain between UniTer, Akridge, DOI re withdrawal of hearing request (re unrelated stockholder issue)	↓	↓	↓
152	Plaintiff's Notice of Taking Continued Deposition of PMK of Defendant Uni-Ter UMC Pursuant to NRCP 30(b)(6)	↓	↓	↓

WA

## EXHIBIT(S) LIST

153	Chart detailing the history of Uni-Ter	9-21-21	Shp	9-21-21	wa
154	Email chain from McCarthy to Elsass and Dalton regarding lowering reserves.				
155	Long terms care Underwriting Philosophy & Strategic Direction.				
156	Biography of Jonna Miller.				
157	Uni-Ter Litigation Management Guidelines.				
158	Uni-Ter Liability Claims Procedure Manual.				
159	Uni-Ter Claims Procedures Chart.				
160	Email chain from Shatoff to Piccione, Elsass, Fedor, Davies, and Donnely regarding audits of L&C.				
161	2010 Claims Manual.				
162	2011 Claims Manual.				
163	Email chain from Miller to Stiefel, Dalton, and Elsass.				
164	2011 Reinsurance Submission.				
165	2010 Johnson & Lambert Engagement Letter.				
166	2009 Milliman Engagement Letter.				
167	2012 Fishlinger Engagement Letter.				
168	2012 email chain between Sitterson and the Board.				
169	L&C Risk Management Plan.				
170	Uni-Ter Group Organizational Chart.				
171	2006 letter to Elsass from Chief Examiner Wright.				
172	201002011 Century Surety Company for L&C.				
173	2009 email from Chamblerlain to Meshekow regarding Country Villa.				
174	2007 letter to the Board regarding contents of Board packets.				

## EXHIBIT(S) LIST

175	December 2011 email from Stiefel to Piccione, Donnelly, Davies, and Elsass regarding recommended reserve increases.	9-21-21	SHD	9-21-21
176	2010 Email chain between Dalton to Elsass, and Sitterson regarding the 2010 DOI capital deterioration letter.			
177	2012 Stiefel email chain with Piccione and Davies regarding Praxis update.			
178	2007 Uni-Ter Underwriting Management Corp. Standard Income Statement.			
179	September 2012 letter from Piccione to Elsass regarding Termination of Employment for Cause.			
180	Transcript of recorded conversation between Piccione, Dalton, and Davies.			
181	First Amendment to Management Agreement.			
182	2009 Country Villa Binder.			
183	November 2009 email chain between the DOI and Dalton, Johnson, and Shatoff regarding US RE's Nevada license.			
184	November 2009 letter from Shatoff to Blundetto, Joseph, and Klaus regarding US RE's Nevada license.			
185	November 2009 email from Dalton to Elsass regarding need for US RE's Nevada license.			
186	Akridge email to Dalton, Johnson, and Elsass regarding US RE's Nevada license.			
187	Dalton response to Akridge email regarding US RE's Nevada license.			
188	Response from DOI regarding Akridge argument regarding US RE's Nevada license.			
189	April 2010 email chain between Dalton, Fernandez, Joseph, and Wood-Clater regarding			

WA

## EXHIBIT(S) LIST

	status of application for license.	9-21-21	STP	9-21-21	WA
190	2010 Report of Examination response from Uni-Ter.				
191	2010 Report of Examination response from Jeff Marshall.				
192	May 2010 email chain from Folster regarding research regarding the need of US RE to have a license.				
193	May 2010 letter to McCarthy from Dalton regarding need to review large increase in reserves.				
194	List of insurance licenses held by US RE dated July 2010.				
195	Email from Sitterson's legal assistant Shaddock of Jones Vargas regarding Sophia Palmer merger.				
196	August 2010 email from Dalton to Johnson, Elsass, and McCarthy regarding actuary review of L&C loss data.				
197	September 2010 email chain between Marshall, Johnson, Elsass, Willard-Ross, and McCune regarding L&C Post Merger Capital Deterioration.				
198	September 2010 email chain between McCarthy and Dalton regarding L&C Capital Deterioration letter from the DOI.				
199	Order and Report of Examination for L&C as of December 31, 2008.				
200	February 2011 email chain between Dalton, McCarthy, Johnson, and Elsass regarding new process needed for approval of bordereau.				
201	February 2011 email chain between Dalton, McCarthy, Johnson, and Elsass regarding questions about new process needed for approval of bordereau.				

## EXHIBIT(S) LIST

202	February 2011 email chain regarding Pyramid moving slowly.	9-21-21	STIP	9-21-21
203	February 2011 email chain between McCarthy, Dalton and Elsass regarding lowering reserves.	↓	↓	↓
204	inadvertently skipped			
205	May 2011 Klaus email regarding favorable experience for reinsurers.	9-21-21	STIP	9-21-21
206	July 2011 letter from Joseph to Piccione regarding "My Functions" at US RE.	↓	↓	↓
207	August 2011 email from Dalton to Dugan regarding how Sandy made the claims department lower their reserves at year end to fix the balance sheets.	↓	↓	↓
208	August 2011 email between Elsass and Harter regarding L&C June Financials.	↓	↓	↓
209	August 2011 email between Dalton, Miller, Bugg, Wood-Clater, Dugan, and Elsass regarding L&C June Financials.	↓	↓	↓
210	inadvertently skipped			
211	Email discussion between Elsass and the Board regarding L&C June Financials.	9-21-21	STIP	9-21-21
212	inadvertently skipped			
213	inadvertently skipped			
214	Email from Dalton to Elsass, Sitterson, and the Board regarding Sophia Palmer financial notes.	9-21-21	STIP	9-21-21
215	September 2011 from Uni-Ter to the Board regarding the June 2011 financial results.	↓	↓	↓
216	inadvertently skipped			
217	September 2011 email chain regarding edits by US RE and Uni-Ter personnel to the Praxis Report.	9-21-21	STIP	9-21-21
218	September 2011 email to Elsass and Davies regarding the Country Villa Summary.	↓	↓	↓

WA

## EXHIBIT(S) LIST

219	September 2011 request by Donna to print 15 copies of the final version of the Country Villa summary for the Board meeting.	9.21.21	skip	9.21.21
220	inadvertently skipped			
221	September 2011 email chain between the Board and Sitterson, Dalton, and Elsass regarding capital contribution.	9.21.21	skip	9.21.21
222	inadvertently skipped			
223	inadvertently skipped			
224	October 2011 email from Dalton to Elsass discussing DOI requesting a call from Uni-Ter and reference to the 2010 letter.	9.21.21	skip	9.21.21
225	October 2011 email chain between Dalton, John Marshall, McCune, and Elsass regarding L&C Capital Deterioration.	↓	↓	↓
226	Dalton biography and resume.	↓	↓	↓
227	April 2009 email from Elsass to the Board and Dalton regarding capital surplus near \$500K.	↓	↓	↓
228	inadvertently skipped			
229	Elsass letter to Shatoff regarding L&C claims development.	9.21.21	skip	9.21.21
230	November 2011 email from Elsass to Dalton discussing the need to edit Miller's change in claims philosophy letter.	↓	↓	↓
231	December 2011 letter from John Marshall to Dalton and Elsass regarding L&C 3 <sup>rd</sup> quarter results.	↓	↓	↓
232	December 2011 email from Marshall to Dalton and Elsass regarding increases 3 <sup>rd</sup> quarter losses despite the capital contribution.	↓	↓	↓

## EXHIBIT(S) LIST

233	inadvertently skipped			
234	December 2011 email chain between Dalton and Dugan in which Donna says Marshall feels as though his house has been ransacked and wants answers.	9.21.21	STIP	9.21.21
235	Transcript of recorded Board Call conversation.			
236	Transcript of recorded phone conversation between Piccione, Elsass, and Sitterson.			
237	December 2011 discussion between the Board and Sitterson regarding stopping policy renewals of nurses.			
238	Johnson & Lambert 2007 and 2008 Sophia Palmer audited financial statements.	↓	↓	↓
239	inadvertently skipped			
240	inadvertently skipped			
241	March 2012 letter from Dalton to John Marshall regarding cash flow questions of the DOI.	9.21.21	STIP	9.21.21
242	inadvertently skipped			
243	August 2012 email from Dalton to Piccione, Davies, Elsass, Stiefel, and Miller regarding claim development identifying the three bad apples.	9.21.21	STIP	9.21.21
244	August 2012 email from Elsass to Dalton regarding their partner pack.	↓	↓	↓
245	inadvertently skipped			
246	September 2012 letter from Maynard to Dalton regarding Uni-Ter violating NAC 694C.300 by contracting with an unlicensed reinsurance broker.			
247	August 2011 email from Shatoff to Elsass and Dalton regarding L&C reinsurance.	9.21.21	STIP	9.21.21
248	May 2011 Klaus letter regarding the historical favorable experience of reinsurers.	↓	↓	↓

## EXHIBIT(S) LIST

249	January 2007 letter from Shatoff to Elsass regarding the decision to change the reinsurance structure and companies that L&C deals with.	9.21.21	Stip	9.21.21
250	December 2011 letter from Fogg to Elsass and Dalton specific claim information request.	↓	↓	↓
251	July 2012 email to Davies, Elsass, and Piccione regarding concern of Uni-Ter employees about decisions of the Board which may lead to potential liability.	↓	↓	↓
252	February 2011 email from McCarthy to Kay-Volk regarding further reserve reductions. <i>Not provided</i>			
253	inadvertently skipped			
254	Richard DeCoux initial expert report.			
255	Richard DeCoux rebuttal report.			
256	2003 Broker of Record Letter Agreement.	9.21.21	Stip	9.21.21
257	July 2009 J.M. Woodworth Amended Order.	↓	↓	↓
258	September 2012 Maynard letter regarding Uni-Ter violation of NAC 694C.300 regarding contracting with an unlicensed reinsurance broker.			
259	Tharp Exhibit AF – Klaus email to reinsurers regarding no losses and \$8 million of profit to reinsurers.			
260	Tharp Exhibit 4 – Shatoff memorandum to Elsass regarding summary of reinsurance discussions.	9.21.21	Stip	9.21.21
261	Alan Gray initial expert report.			
262	Alan Gray rebuttal expert report.			
263	2005 Liability Claims Procedure Manual.	9.21.21	Stip	9.21.21
264	2010 Uni-Ter Claims Manual.	↓	↓	↓
265	2011 Uni-Ter Claims Manual.	↓	↓	↓
266	Tharp Exhibit AA – Large Loss Claims of the insured/operator facilities.			

WA

WA



## EXHIBIT(S) LIST

267	Sam Hewitt initial expert report.			
268	Sam Hewitt initial rebuttal expert report.			
269	July 2011 letter from Chamberlain to Meshekow regarding last minute claims notices.	9.21.21	STP	9.21.21
270	December 2011 email from Sitterson to Elsass and the Board regarding definition of "impaired" under Nevada law.	↓	↓	↓
271	December 2011 Carlton Fields letter to the Board.	↓	↓	↓
272	Robert Hurlbut deposition transcript excerpt regarding Country Villa being a done deal.			
273	Demotech brochure.	9.21.21	STP	9.21.21
274	May 2005 letter from Petrelli to Elsass rating of L&C.	↓	↓	↓
275	October 2008 letter regarding Demotech's review procedure and bank covenants related to insurers.	↓	↓	↓
276	February 2009 email from Petrelli to Dalton regarding HUD financing.	↓	↓	↓
277	September 2010 email from Dalton to Petrelli regarding 2010 Production Projections and Report of Exam.	↓	↓	↓
278	September 2010 letter from Demotech to Olson requesting an insurance waiver on behalf of L&C.	↓	↓	↓
279	September 2010 letter from Demotech to Dalton regarding renewal of Management Agreement with L&C.	↓	↓	↓
280	Email from McCarthy to Petrelli and Dalton regarding L&C reserves July 2010 v. April 2010.	↓	↓	↓
281	March 2011 email from Petrelli to McCarthy, Dalton, and Elsass regarding reserve development of L&C.	↓	↓	↓
282	March 2011 email from Dalton to Petrelli and Elsass regarding L&C Claims narrative as of	↓	↓	↓

WA

## EXHIBIT(S) LIST

	December 31, 2010.			
283	July 2011 email from Petrelli to Elsass, Dalton, Chamberlain, and Piccione regarding Fannie Mae Senior Facility Acceptance.	9-21-21	STP	9-21-21
284	August 2011 email from Petrelli to Fogg and Chamberlain regarding FNMA's request for additional data.			
285	September 2011 email from Dalton to Petrelli and Elsass regarding Second Quarter Results for L&C.			
286	September 2011 email from Demotech to Dalton requesting that Uni-Ter provide additional financial information.			
287	February 2012 email from Dalton to Petrelli, Davies, and Elsass regarding financial statement for L&C.			
288	February 2012 email from Dalton to Petrelli and Elsass regarding 2012 plans for L&C.			
289	February 2012 email chain between Elsass, Petrelli, Akridge, Dalton, and Sitterson regarding correspondence from John Marshall.			
290	February 2012 letter from Demotech to Elsass regarding a discussion of L&C and Year-End 2011 Financial Statements.			
291	February 2012 email from Petrelli to Dalton, Elsass, and Davies withdrawing L&C's FSR.			
292	June 2012 letter from Petrelli to Elsass discussing needs for re-evaluation of L&C.			
293	April 2010 email from Demotech to Dalton regarding the financial stability rating for L&C.			
294	April 2011 email from Elsass to Piccione and Davies stating that Petrelli has lost control.			
295	June 2011 email from Petrelli to Piccione regarding staying with Piccione during visit to			

WA

## EXHIBIT(S) LIST

	New York.			
296	L&C Cash Disbursement Testing date 8/31/2008.			
297	February 2012 email from Petrelli to Elsass, Dalton, and Davies regarding save L&C, Uni-Ter's reputation, and eliminate a legal dispute.	9.21.21	Ship	9.21.21
298	February 2012 letter from Petrelli to Elsass regarding warning of withdrawal of FSR.	↓	↓	↓
299	October 2012 email from Piccione to May regarding Petrelli going nuts.			
300	August 2009 email from Petrelli to Piccione and Elsass regarding meeting for dinner.			
301	September 2009 email from Piccione to Hernandez regarding Piccione being close friends with Petrelli and wife Sharon.			
302	Notes regarding November 2009 meeting with Petrelli and Romano regarding Insolvency Gap Cover business plans.			
303	August 2009 email from Piccione to Petrelli reading coming to New York.			
304	August 2009 email from Piccione to Petrelli regarding visit and future business plans.			
305	July 2010 Outline of Century Surety Company E&O Omissions Insurance Gap Coverage Plans.			
306	June 2011 email from Petrelli to Piccione regarding coming to New York and staying with Piccione and wife Lena.			
307	June 2011 email from Petrelli to Piccione regarding plans for upcoming trip to New York.			
308	June 2011 email from Petrelli to Piccione regarding more details about plans for upcoming trip to New York.			

ua

## EXHIBIT(S) LIST

309	July 2011 email from Piccione to Petrelli discussing how it was dull not having the Petrelli's at the Piccione home.			
310	June 2011 email from Piccione to Petrelli regarding arranging plans for upcoming visit and Petrelli and wife Sharon to New York.			
311	March 2012 email from Petrelli to Piccione discussing various topics.			
312	October 2012 email from May to Piccione regarding Petrelli hanging from the rafters.			
313	October 2009 Demotech letter to Piccione regarding minority ownership interest of US RE in Demotech and potential licensing agreement.	9-21-21	stip	9-21-21
314	November 2009 letter from Petrelli to Piccione regarding business opportunity.			
315	May 2010 email from Elsass to Petrelli, Dalton, Lord, Murphy, Sitterson, and Johnson regarding terms of management agreements.	9-21-21	stip	9-21-21
316	October 2010 email from Petrelli to Newsome and Piccione regarding business plans for insolvency gap coverage business.			
317	Expert Witness Report of Dr. Mark Kuga.			
318	Seventy-Second Status Report of Commissioner of Insurance.	9-21-21	stip	9-21-21
319	Tharp Exhibit V.			
320	Tharp Exhibit Z.			
321	Tharp Table of Schedule P Part I Summary.			
322	Tharp selected list of claims.	9-21-21	stip	9-21-21
323	Expert Sam Hewitt's Table 10 – Corrected and Appended Kuga Exhibit 3.1.			
324	Initial Expert Report of Mark D. Tharp.			
325	Tharp Comparison of 72 <sup>nd</sup> Receiver Report as of			

## EXHIBIT(S) LIST

	September 20, 2019 to Tharp Exhibit Z.			
326	Annual Statement of Lewis & Clark for year-end December 31, 2011.	9-21-21	STP	9-21-21
327	Actuarial Evaluation of Loss and Loss Adjustment Expense Reserves as of December 31, 2008.			
328	Actuarial Evaluation of Loss and Loss Adjustment Expense Reserves as of December 31, 2011.			
329	Actuarial Evaluation of Loss and Loss Adjustment Expense Reserves as of December 31, 2010.			
330	Email regarding expense ratios.			
331	Email regarding nurse professional liability insurance study.			
332	Email regarding nurse professional liability insurance study with attachment.			
333	Email regarding retrospectively rated policy.			
334	Email regarding L&C presentation with attachment.			
335	Email regarding updated L&C reserves as of October 31, 2011 with attachment.			
336	Email regarding L&C after audit reserves at November 30, 2011.			
337	Email regarding reinsurance.			
338	Email regarding L&C claims review by Fishlinger with attachments.			
339	Email regarding claims review by Fishlinger, et al.			
340	Email regarding March 31, 2012 reserves with attachment.			
341	Email regarding L&C claims development through May 31, 2012, with attachment.			

WA

## EXHIBIT(S) LIST

342	Email regarding June 30, 2012 reserve estimate with attachments.	9-21-21	STIP	9-21-21	w3
343	inadvertently skipped				
344	Statement of Actuarial opinion for L&C for the year ended December 31, 2008.	9-21-21	STIP	9-21-21	w3
345	Statement of Actuarial opinion for L&C for the year ended December 31, 2009.				
346	Actuarial Evaluation 2009.				
347	Statements of Actuarial.				
348	Actuarial evaluation of L&C as of December 31, 2011.				
349	Letter dated January 19, 2012.				
350	Letter dated January 2010 from Milliman to Dalton regarding engagement for actuarial consulting services.				
351	Marked exhibit to Elsass deposition taken July 16, 2021. <i>Not provided</i>				
352	Marked exhibit to Elsass deposition taken July 16, 2021. <i>Not provided</i>				
353	inadvertently skipped				
354	December 2011 email from Dalton to the Board regarding Praxis reserves.	9-21-21	STIP	9-21-21	
355	2003 Offering Memorandum.				
356	2011 Offering Memorandum.				
357	Sanford Elsass Professional Experience.				
358	February 2012 letter from Elsass to Readings regarding reinsurance issues.				
359	Amended complaint filed in New York by Defendants naming Elsass as a defendant.				
360	Email from Davies to Piccione regarding Elsass.	9-21-21	STIP	9-21-21	
361	Amendments to the Management Agreement.				

## EXHIBIT(S) LIST

362	Sophia Palmer merger documents.	9.21.21	STP	9.21.21
363	December 2011 letter from Carlton Fields to Sitterson.			
364	September 2012 Capital Deterioration letter from the DOI to Jeff Marshall.			
365	August 2011 email from Elsass to the Board regarding the June L&C financials.			
366	September 2011 email chain between Sitterson and Board regarding capital contributions.			
367	September 2011 email chain between Board and Sitterson regarding capital contributions and the amount of surplus required.			
368	September 2011 email chain between Board and Sitterson regarding capital contributions and floating.			
369	September 2011 email chain between Board and Sitterson regarding conversion price of stock.			
370	October 2011 email chain regarding capital contribution and impact of offsetting amount by deductible recoverables.			
371	Actuarial Evaluation of L&C by Milliman as of December 31, 2011.	▼	▼	▼
372	Letter from Milliman to Dalton regarding NAIC Data Testing Requirements for L&C.			
373	Notes on changes to claims reserves.	9.21.21	STP	9.21.21
374	August 2011 about taking off another \$500K off of reserves.	9.21.21	STP	9.21.21
375				
376	December 2011 letter from Praxis to Piccione and Davies regarding L&C reserves.	9.21.21	STP	9.21.21
377	File Notes for P. Clements.			
378	File Notes for W. Bannister.			

## EXHIBIT(S) LIST

379	May 2011 Miller email to Johnson and Dugan increasing reserves.	9-21-21	stip	9-21-21
380	May 2011 letter from Miller to Elsass regarding the need to increase indemnity reserves.			
381	July 2011 email from Miller to Elsass regarding indemnity reserves.			
382	August 2011 email from Miller to Dalton and Chamberlain regarding Braswell.			
383	August 2012 email from Linda Brucia to Sitterson and Dalton regarding Uni-Ter files.			
384	November 2011 email from Shatoff to Elsass regarding Jo McCann of Beazley.			
385	August 2011 email from Shatoff to Donnelly regarding Uni-Ter claims late increase in reserves.			
386	October 2011 email from Elsass to Shatoff regarding reinsurers and claims development.			
387	December 2011 email from Shatoff to Piccione regarding Praxis reserve amounts.			
388	March 2012 email from Shatoff to Dalton and Miller regarding defense counsel's projected ALAE.			
389	File Notes for P. Clements.			
389	May 2012 email from Piccione to Davies, Bludetto, and Elsass regarding ALAE for RRGs.	↓	↓	↓
390	File Notes for J. Mullen.			
391	September 2011 email from Davies to Stiefel regarding claims audit report.	9-21-21	stip	9-21-21
392	April 2012 email chain between Dalton, Miller, Stiefel, Donnelly, Shatoff, and Elsass regarding Elsass and Dalton no longer setting reserves.	↓	↓	↓



## EXHIBIT(S) LIST

393	Marked exhibit to Davies deposition taken August 2, 2021.			
394	Marked exhibit to Davies deposition taken August 2, 2021.			
395	May 2012 email from Stiefel to Piccione and Davies regarding Praxis update.			
396	March 2009 email from Hodge to Dugan regarding Pyramid.	9.21.21	Shp	9.21.21
397	October 2011 email from Dalton to Dugan regarding Jeff Marshall's capital contribution.			
398	December 2011 email from Dugan to Dalton regarding Marshall losing his cool.			
399	2012 Broker Authorization Contract.			
400	June 2012 Letter from Fedor to Elsass regarding reinsurance and the 2012 Reinsurance Agreement.			
401	Captive Insurance Underwriting Guidelines.			
402	July 2009 email from Kiel to Chamberlain regarding \$5 million aggregate.			
403	July 2009 email from Meshekow to Chamberlain second year issue.			
404	August 2006 email from Lubalin to Elsass and Shatoff regarding underwriting guidelines presented to reinsurers.			
405	September 2009 email from Kiel to Chamberlain regarding 2-year commitment letter.			
406	July 2009 email from Meshekow to Chamberlain regarding commitment for second years.			
407	Country Villa application.			
408	September 2011 Board Meeting package.			
409	Consolidated submission recap for Country Villa.			
410	June 2009 email from Elsass to Dalton regarding binding Country Villa as an insured.	↓	↓	↓

uA

## EXHIBIT(S) LIST

411	September 2009 L&C business plan.	9.21.21	Shp	9.21.21
412	April 2010 letter from Dalton to Kipper regarding response to exam report.	↓	↓	↓
413	May 2010 email from Joseph to Fedor, Shatoff, Elsass, and Dalton regarding instruction for reinsurance intermediaries.	↓	↓	↓
414	2003 L&C business plan.	↓	↓	↓
415	September 2012 email from Corrigan to Dalton regarding license request.	↓	↓	↓
416	Maynard email to Stern and Memo to Dalton regarding binding reinsurance through an unlicensed broker.	↓	↓	↓
417	Tharp Exhibit Schedule P – Part I Summary	9.21.21	Shp	9.21.21
418	August 2011 email from Shatoff to Elsass and Dalton regarding L&C Reinsurance.	↓	↓	↓
419	March 2012 Shatoff email to Davies regarding summary of reinsurance development.	9.21.21	Shp	9.21.21
420	November 2009 email from Dalton to Shatoff regarding request for license.	↓	↓	↓
421	November 2009 email from Dalton to Johnson regarding US RE's licensing issues.	↓	↓	↓
422	Email from J. Fedor to Joseph and Shatoff dates 4-12-10	↓	↓	↓
423	Email from B. Joseph to Shatoff and Fedor dated 4-13-10	↓	↓	↓
424	Email from Shatoff to B. Fedor dated 4-14-10	↓	↓	↓
425	Email from S. Lubalin to Elsass dated 8-11-06	↓	↓	↓
426	List of Claims	↓	↓	↓
427	Cover notes and other terms of 2004-2005 reinsurance agreement.	↓	↓	↓
428	L&C 2003 Business Plan	9.21.21	Shp	9.21.21
429	L&C 2005-2007 Reinsurance Agreement	↓	↓	↓

WA

## EXHIBIT(S) LIST

430	Second L&C 2005-2007 Reinsurance Agreement	9-21-21	SHIP	9-21-21
431	Second L&C 2005-2006 Reinsurance Agreement			
432	L&C 2007 Reinsurance Agreement			
433	L&C 2009 Reinsurance Agreement			
434	L&C 2009-2011 Reinsurance Agreement			
435	L&C 2009-2011 Reinsurance Agreement			
436	L&C 2010-2011 Reinsurance Agreement			
437	L&C 2011-2012 Reinsurance Agreement			
438	Second L&C 2011-2012 Reinsurance Agreement			
439	L&C 2012 Reinsurance Agreement			
440	L&C 2005 Reinsurance Agreement			
441	Email from Hurlbut to Uni-Ter dated 3-30-09 regarding capital contribution			
442	Email from A. Hodge to Board and Uni-Ter dated 5-8-09			
443	Email from P. Meshekow to Uni-Ter dated 6-24-09 regarding Country Villa			
444	Email from G. Kiel to Chamberlain dated 5-21-09 regarding Country Villa			
445	Email from Elsass to Dalton dated 6-26-09 regarding Country Villa			
446	Email from Hodge to Board and Uni-Ter dated 5-8-09			
447	Board Packet May 2009			
448	Board Minutes dated May 14-15, 2009			
449	L&C Underwriting Guidelines	↓	↓	↓
450	May 2009 Board Packet more pages			
451	L&C Underwriting Guidelines dated Fall 2003	9-21-21	SHIP	9-21-21
452	Email McCarthy to Kay-Volk dated 2-3-11 regarding reserves			
453	2012 L&C Bordereau			
454	2011-2012 US RE Companies Analysis of Total Benefits	9-21-21	SHIP	9-21-21

## EXHIBIT(S) LIST

1000	L&C Annual Statement for 2008	9-21-21	STUP	9-21-21
1001	L&C Quarterly Financial Statement – March 31, 2009	↓	↓	↓
1002	L&C Quarterly Financial Statement – June, 2009	↓	↓	↓
1002	L&C Quarterly Financial Statement – September 30, 2009	↓	↓	↓
1003	L&C Annual Statement for 2009	↓	↓	↓
1004	L&C Quarterly Financial Statement – March 31, 2010	↓	↓	↓
1005	L&C Quarterly Financial Statement – June, 2010	↓	↓	↓
1006	L&C Quarterly Financial Statement – September 30, 2010	↓	↓	↓
1007	L&C Annual Statement for 2010	↓	↓	↓
1008	L&C Quarterly Financial Statement – March 31, 2011	↓	↓	↓
1009	L&C Quarterly Financial Statement – June, 2011	↓	↓	↓
1010	L&C Quarterly Financial Statement – September 30, 2011	↓	↓	↓
1011	L&C Annual Statement for 2011	↓	↓	↓
1012	L&C Quarterly Financial Statement – March 31, 2012	↓	↓	↓
1013	L&C Quarterly Financial Statement – June, 2012	↓	↓	↓
1014	September 2012 letter from Maynard to Dalton regarding Uni-Ter violating NAC 683A530(7) by binding Company on Reinsurance.	9-24-21	yes	9-24-21
1015	September 2012 letter from Maynard to Dalton regarding Uni-Ter violating NAC 694C.300 by contracting with an unlicensed reinsurance broker.	9-24-21	yes	9-24-21
1016	May 5, 2011 Report of Independent Auditors.	9-21-21	STUP	9-21-21
1017	Exhibits attached to Plaintiff's Expert Witness Mark Tharp Rebuttal Report to Sam Hewitt.	↓	↓	↓
1018	Claims file for P. Clements	Not Provided ↓		
1019	Claims file for S. Macagnone			
1020	Claims file for D. Maquire			

## EXHIBIT(S) LIST

1021	Claims file for H. Yarbrough	Not provided			
1022	Claims file for J. Lewicki				
1023	Claims file for J. Gill				
1024	Claims file for P. Weber				
1025	Claims file for J. Katchuk				
1026	Claims file for J. Jackson				
1027	Claims file for I. Arce				
1028	Claims file for L. McKenzie				
1029	Claims file for V. Rinaldi				
1030	Claims file for R. Stringfellow				
1031	Claims file for D. Mullon				
1032	Claims file for L. Johnson				
1033	Claims file for M. Fonseca				
1034	Claims file for G. Cooper				
1035	Claims file for J. Newberg				
1036	Claims file for K. Maltby				
1037	Claims file for M. Terrell				
1038	Claims file for R. Bushover				
1039	Claims file for P. Black				
1040	Claims file for N. Sewell				
1041	Claims file for J. Ciocca				
1042	Claims file for V. Drumm				
1043	Claims file for F. Russell				
1044	Claims file for W. Bannister				
1029	Claims file for A. Papaj				
1045	Claims file for M. Myles				

## EXHIBIT(S) LIST

<b>1046</b>	Claims file for R. Palombi	Not Provided			
<b>1047</b>	Claims file for H. English				
<b>1048</b>	Claims file for F. Hall				
<b>1049</b>	Claims file for L. Hilleges				
<b>1050</b>	Claims file for J. Umfreyville				
<b>1051</b>	Claims file for N. Pantano-Blake				
<b>1052</b>	Claims file for R. Porcellio				
<b>1053</b>	Claims file for K. Gillespie				
<b>1054</b>	Claims file for D. Bennett				
<b>1055</b>	Claims file for E. Williams				
<b>1056</b>	Claims file for R. Rosenthal				
<b>1057</b>	Claims file for H. Coleman				
<b>1058</b>	Claims file for A. Allen				
<b>1060</b>	Claims file for J. Adams				
<b>1061</b>	Claims file for D. Wells				
<b>1062</b>	Claims file for M. Mann				
<b>1063</b>	Claims file for C. Bergen				
<b>1064</b>	Claims file for C. Frye				
<b>1065</b>	Claims file for K. Chelette				
<b>1066</b>	Claims file for J. Allen				
<b>1067</b>	Claims file for E. Lester				
<b>1068</b>	Claims file for M. Helberg				
<b>1069</b>	Claims file for P. Geffin				
<b>1070</b>	Claims file for G. Gipson				
<b>1071</b>	Claims file for G. Shubin				
<b>1072</b>	Claims file for M. Klaboe				

## EXHIBIT(S) LIST

1073	Claims file for B. Goude	NOT Provided			
1074	Claims file for T. Durnin				
1075	Claims file for L. Sanchez				
1076	Claims file for W. Whitaker				
1078	Claims file for M. Andolina				
1079	Claims file for A. Johnson				
1080	Claims file for S. Williams				
1081	Claims file for M. Lancellotti				
1082	Claims file for A. Correa				
1083	Claims file for G. Knott				
1084	Claims file for J. Mullen				
1085	Claims file for W. Naylor				
1086	Claims file for T. Lassalle				
1088	Claims file for O. McLiesh				
1089	Claims file for G. Peterseil				
1090	Claims file for R. Bringas				
1091	Claims file for R. Pflieger				
1092	Claims file for G. Klipfel				
1093	Claims file for R. Koppola				
1094	Claims file for J. Brown				
1095	Claims file for P. Czosek				
1096	Claims file for B. Kellig				
1097	Claims file for R. Jackson				
1098	Claims file for M. O'Meara				
1099	Claims file for A. Tiberio				
1100	Claims file for B. Wojcinski				

## EXHIBIT(S) LIST

1101	Claims file for M. Smith	Not provided			
1102	Claims file for S. McCullen				
1103	Claims file for E. Poplawski				
1104	Claims file for M. Rosenblatt				
1105	Claims file for T. Waldo				
1106	Claims file for R. Austin				
1107	Claims file for D. Fry				
1108	Claims file for S. Van Donsel				
1109	Motions and Order for Approval of Fees in the Receivership matter Case No. A-12-672047-B				
1110	April 2011 email from John Marshall to Dalton regarding amazing turn-around from prior year.	9.21.21	STIP	9.21.21	UA
1111	L&C Bordereau Monthly Production Report for September 2012				
1112	L&C Bordereau Monthly Production Report for October 2012				
1114	L&C Bordereau Monthly Production Report for November 2012				
1115	L&C Bordereau Monthly Production Report for December 2012				
1116	Sophia Palmer Claims Report through September 2012	9.21.21	STIP	9.21.21	
1117	Tharp Model				
1118	October 2011 email form Marrone cc'd to Piccione regarding US RE Corp. financial statement and questionnaire.				
1119	Financial statements of US RE Corporation.				
1120	April 2012 letter from Piccione to Hudson.				
1121	April 2012 email from Hudson to Piccione.				
1122	May 2012 email from Piccione to Hudson.				
1123	May 2012 email from Piccione to Hudson.				
1124	2005 Report of Examination from Division	9.21.21	STIP	9.21.21	



# EXHIBIT(S) LIST

1125	Deposition Exhibit 175 with attachments.			
1126	Deposition Exhibit 176 with attachments.	9.21.21	Stip	9.21.21
1127	Deposition Exhibit 193 with attachments.			
1128	Deposition Exhibit 197 with attachments.			
1129	Deposition Exhibit 198 with attachments.			
1130	Deposition Exhibit 227 with attachments.			
1131	Deposition Exhibit 231 with attachments.			
1132	Deposition Exhibit 297 with attachments.	↓	↓	↓
1133	Deposition Exhibit 306 with attachments.			

us

# EXHIBIT(S) LIST

Case No.: A711535

Trial Date: 9/20/2021

Dept. No.: 27

Judge: Nancy Allf

Court Clerk: Nicole McDevitt

Plaintiff: Commissioner of Insurance  
for the State of Nevada as  
Receiver of

Recorder / Reporter: Brynn White

Lewis and Clark

Counsel for Plaintiff: Brenach Wirthlin, Esq.,

vs.

Defendant: Robert Chur

Christian Orme, Esq., Tanya Fraser, Esq.

Counsel for Defendant: Jon Wilson, Esq.,

George Ogilve, Esq.

## JURY TRIAL BEFORE THE COURT

### DEFENDANT'S EXHIBITS

Exhibit No.	Document Description	Offered	Obj.	Admitted
2000	Email from Debra Keys to Uni-Ter Staff(Atlanta) Dated February 28, 2011 FW: Resignation LC-USRE-0451153 - LC-USRE-0451153			
2001	LC Deferred Tax Asset December 31, 2011 JL_SDT017999 - JL_SDT018002			
2002	Lewis & Clark LTC Risk Retention Group, Inc. Audited Financial Statements, Years ended December 31, 2011 and 2010 JL_SDT001807 - JL_SDT001824			
2003	Lewis & Clark LTC Risk Retention Group, Inc. Audited Financial Statements, Years ended December 31, 2010 and 2009 JL_SDT008768 - JL_SDT008784			
2004	Draft Lewis & Clark LTC Risk Retention Group, Inc. Audited Financial Statements, Years ended December 31, 2008 and 2007 BD 0001804 - BD 0001819			
2005	Lewis & Clark LTC Risk Retention Group, Inc. Audited Financial Statements, Years ended December 31, 2007 and 2006 JL_SDT000399 - JL_SDT000414			

W3

## EXHIBIT(S) LIST

<b>2006</b>	Email from Donna Dalton to Ken D. Stern Dated August 20, 2012 FW: Lewis & Clark CapitalDeterioration KS - 0305 - KS - 0309			
<b>2007</b>	Email from Rick Stickels to Robert W.Hurlbut Dated September 23, 2012 Re: L&C SWMLCEM020962 - SWMLCEM020963			
<b>2008</b>	Email from Jonna Miller to Curtis Sitterson, Sandy Elsass, Donna Dalton, Tonya Dugan and Dwain Chamberlain Dated July 22, 2011 Re: Peterseil v. RRT Enterprise/Country Villa (Claim No. 072645) SWMLCEM008858 - SWMLCEM008860			
<b>2009</b>	Email from Dwain Chamberlain to DonnaDalton Dated January20, 2012 Re: Submission review of CV file LC-USRE-0824373 - LC-USRE-0824373			
<b>2010</b>	Email from Dwain Chamberlain to SandyElsass Dated February17, 2012 Fw: Lewis &Clark LC-USRE-0723915 - LC-USRE-0723915			
<b>2011</b>	Email from Donna Dalton to Larry Shatoff, Sandy Elsass, Tonya Dugan, Dwain Chamberlain Dated February 23, 2012 Re: L&C Reinsurance LC-USRE-0242620 - LC-USRE-0242620			
<b>2012</b>	Email from ChristinaIsom to Dwain Chamberlain, TonyaDugan and ElizabethSterling Dated April17, 2012 Re: Do we know why these insureds did not renew with us? LC-USRE-0628928 - LC-USRE-0628930			
<b>2013</b>	Email from Sandy Elsass to Dwain Chamberlain, Donna Dalton and Tonya Dugan Dated June 22, 2012 Fw: Marquis 7/1Renewal - HUD refinancing LC-USRE-0754630 - LC-USRE-0754630			
<b>2014</b>	Email from Curtis Sitterson to Jonna Miller, Sandy Elsass, Donna Dalton, DwainChamberlain and Tonya Dugan Dated July 28, 2011 Re: July 288, 2011 letter to CV cc San Marino re bond SWMLCEM009050 - SWMLCEM009051			
<b>2015</b>	Email from Jonna Miller to Sandy Elsassand Dwain Chamberlain Dated November 9, 2011 Fw: Garcia LC-USRE-1254664 - LC-USRE-1254665			

25

## EXHIBIT(S) LIST

2016	Email from Dwain Chamberlain to TonyaDugan Dated January31, 2012 Re: CV LC-USRE-1763867 - LC-USRE-1763868			
2017	Email from Sandy Elsass to Dwain Chmaberlain Dated September 8, 2011 Fw: HCFA, Braswell and CV LC-USRE-0836015 - LC-USRE-0836017			
2018	Email from Sandy Elsass to Curtis Sitterson and DwainChamberlain Dated July 13, 2011 Re: Country Villa LC-USRE-0172623 - LC-USRE-0172624			
2019	Email from Debra Kay-Volk to Bruce Bolger Dated July 11, 2011 Re: Coverage Issue Raised By New California Claim LC-USRE-1223341 - LC-USRE-1223342			
2020	Email from Debra Kay-Volk to Jonna Miller, Sandy Elsass, Curtis Sitterson, Dwain Chamberlain, and Donna Dalton Dated July 8, 2011 Re: Peterseil vs. RRT Enterprises, LP SWMLCEM008789 - SWMLCEM008795			
2021	January 21, 2004BOD Meeting Minutes LC0130982 - LC0130982	9.21.21	Stip	9.21.21
2022	February 3, 2004BOD Meeting Minutes LC0130977 - LC0130978			
2023	July 27, 2004 BOD Meeting Minutes LC0130937 - LC0130938			
2024	August 20, 2004BOD Meeting Minutes LC0130936 - LC0130936			
2025	September 8, 2004BOD Meeting Minutes LC0130935 - LC0130935			
2026	October 26, 2004BOD Meeting Minutes LC0130933 - LC0130934			
2027	November 8, 2004BOD Meeting Minutes LC0130932 - LC0130932			
2028	March 1, 2005 BOD Meeting Minutes LC0130931 - LC0130931			
2029	June 17, 2005 BOD Meeting Minutes LC0130926 - LC0130926			
2030	August 12, 2005BOD Meeting Minutes LC0130923 - LC0130924			
2031	November 10, 2005BOD Meeting Minutes LC0130921 - LC0130921			

12

## EXHIBIT(S) LIST

[illegible]

# EXHIBIT(S) LIST

Case No: A-14-711535-C

Commissioner of Ins for the state of NV vs. Robert Chur

Court's

EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
1	Jury Selection Paperwork			9/21/21	ut
2	Jury Note asked			9/23/21	ut
3	Jury Note			9/23/21	ut
4	Jury Note			9/23/21	ut
5	Jury Note			9/24/21	ut
6	Jury Note asked			9/24/21	ut
7	Jury Note			9/24/21	ut
8	Jury Note			10-1-21	ut
9	Jury Note			10-1-21	ut
10	Jury Note asked			10-5-21	ut
11	Jury Note			10-6-21	ut
12	Jury Note			10-8-21	ut
13	Jury Note			10-8-21	ut
14	Jury Note asked			10-12-21	ut
15	Jury Note asked				ut
16	Jury Note asked				ut
17	Jury Note			10-14-21	ut
18	Partial Transcript sent back to Jury			10-14-21	ut



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE  
**NOTICE OF DEFICIENCY**  
ON APPEAL TO NEVADA SUPREME COURT

JOSEPH P. GARIN, ESQ.  
9900 COVINGTON CROSS DR., SUITE 120  
LAS VEGAS, NV 89144

DATE: November 23, 2022  
CASE: A-14-711535-C

**RE CASE:** COMMISSIONER OF INSURANCE FOR THE STATE OF NEVADA AS RECEIVER OF LEWIS AND CLARK LTC RISK RETENTION GROUP, INC. 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.; U.S. RE CORPORATION

NOTICE OF APPEAL FILED: November 21, 2022

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)\*\*
  - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)\*\*
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)\*\*
  - NRAP 7: Bond For Costs On Appeal in Civil Cases
  - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☐ Case Appeal Statement
  - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

---

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

*Please refer to Rule 3 for an explanation of any possible deficiencies.*

---

*\*\*Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.*



# Certification of Copy

**State of Nevada** }  
**County of Clark** } **SS:**

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

ROBERT CHUR, STEVE FOGG, MARK GARBER, CAROL HARTER, ROBERT HURLBUT, BARBARA LUMPKIN, JEFF MARSHALL, AND ERIC STICKELS' NOTICE OF APPEAL; ROBERT CHUR, STEVE FOGG, MARK GARBER, CAROL HARTER, ROBERT HURLBUT, BARBARA LUMPKIN, JEFF MARSHALL, AND ERIC STICKELS' CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING DIRECTOR DEFENDANTS' MOTION FOR ATTORNEY FEES AND COSTS; NOTICE OF ENTRY OF ORDER; ORDER DENYING PLAINTIFF'S MOTION TO RETAX AND SETTLE COSTS OF DIRECTOR DEFENDANTS; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

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

Plaintiff(s),

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.; U.S.  
RE CORPORATION,

Defendant(s),

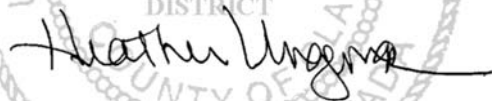
Case No: A-14-711535-C

Dept No: XXVII

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 23 day of November 2022.

Steven D. Grierson, Clerk of the Court

A handwritten signature in black ink, appearing to read "Heather Ungermann", is written over a faint, circular court seal. The seal contains the text "UNITED STATES DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT COUNTY OF CLATSOP WASHINGTON".

---

Heather Ungermann, Deputy Clerk  
A-14-711535-C