

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

2 * * *

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

7 Appellant,

8 vs.

9 ROBERT CHUR, STEVE FOGG,
10 MARK GARBER, CAROL HARTER,
11 ROBERT HURLBUT, BARBARA
12 LUMPKIN, JEFF MARSHALL, ERIC
13 STICKELS, UNI-TER
14 UNDERWRITING MANAGEMENT
15 CORP., UNI-TER CLAIMS SERVICES
16 CORP., and U.S. RE CORPORATION,

17 Respondents.

18 ROBERT CHUR, STEVE FOGG,
19 MARK GARBER, CAROL HARTER,
20 ROBERT HURLBUT, BARBARA
21 LUMPKIN, JEFF MARSHALL, AND
22 ERIC STICKELS,

23 Appellants,

24 vs.

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

 Respondents.

Supreme Court No. 85668

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Elizabeth A. Brown

Clerk of Supreme Court

APPELLANT'S MOTION FOR
LEAVE TO FILE A RESPONSE
TO RESPONDENT'S REPLY
REGARDING ORDER
AMENDING CAPTION AND TO
SHOW CAUSE

Supreme Court No. 85728

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

5 Appellant,

6 vs.

7
8 ROBERT CHUR; STEVE FOGG;
9 MARK GARBER; CAROL HARTER;
10 ROBERT HURLBUT; BARBARA
11 LUMPKIN; JEFF MARSHALL; AND
12 ERIC STICKELS; UNI-TER
UNDERWRITING MANAGEMENT
CORP.; UNI-TER CLAIMS SERVICES
CORP.; AND U.S. RE CORPORATION,

13 Respondents.
14

Supreme Court No. 85907

15 Appellant COMMISSIONER OF INSURANCE FOR THE STATE OF
16 NEVADA AS RECEIVER OF LEWIS AND CLARK LTC RISK RETENTION
17 GROUP, INC., (“Appellant”), by and through counsel, Hutchison & Steffen, PLLC,
18 hereby files this motion for leave to file a response (“Response”) to Respondent U.S.
19 Re Corporation’s Reply to Appellant’s Response to Order Amending Caption and
20 to Show Cause (“Reply”).
21

22 This motion concerns the Order to Show Cause issued by the court on May
23
24 10, 2023, which directed Appellant to “show cause why the identified portions of
25 this appeal should not be dismissed for lack of jurisdiction” regarding the
26 interlocutory orders related to the defendants Uni-Ter Underwriting Management
27
28

1 Corp., Uni-Ter Claims Services Corp., and U.S. Re Corporation. Appellant filed his
2 response on July 23, 2023. On July 7, 2023, Respondent U.S. Re Corporation filed
3 its Reply. Appellant believes it important to provide a response to U.S. Re
4 Corporation's Reply to correct important factual inaccuracies and misleading
5 statements that are contained in the Reply. Furthermore, Appellant also believes it
6 critical that Appellant update the court regarding new developments in the
7 underlying district court action (A-711535-C) that have occurred since Respondent's
8 Reply was filed on July 7, 2023 for the court's full consideration of this matter.
9

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12 For all these reasons, Appellant respectfully submits that good cause exists to
13 grant this motion, and Appellant asks the Court to grant such other and further relief
14 as it deems appropriate.
15

16 Dated this 21st day of July, 2023.

17 HUTCHISON & STEFFEN, PLLC

18
19 /s/Brenoch Wirthlin

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