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Elizabeth A. Brown
Clerk of Supreme Court

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

12 * * *

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

17 Plaintiff,

18 vs.

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

27 Defendants.

Case No.: A-14-711535-C
Dept. No.: XXVII

Nevada Supreme Court Case No. 85907

CASE APPEAL STATEMENT

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

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

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

4 The Commissioner of Insurance brought this action against multiple defendants, including
5 U.S. Re Corporation, Uni-Ter Underwriting Management Corporation, and Uni-Ter Claims Services
6 Corporation (collectively the “Corporate Defendants”) for their role in causing the insolvency of a
7 Nevada-based insurer, Lewis and Clark LTC Risk Retention Group, Inc. Trial against the Corporate
8 Defendants commenced on September 20, 2021 and was submitted to the jury on October 14, 2021,
9 which rendered a verdict in favor of Plaintiff that same day.

10 The Commissioner of Insurance seeks relief from the District Court’s erroneous rulings
11 regarding proper calculation of attorneys’ fees and costs, in which the Court denied certain
12 attorneys’ fees and costs requested by Plaintiff. Specifically, this appeal seeks relief from the
13 District Court’s Order Granting Attorney Fees and Costs, dated December 2, 2022.

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

17 Robert Chur, Steve Fogg, Mark Garber, Carol Harter, Robert Hurlbut, Barbara Lumpkin,
18 Jeff Marshall, and Eric Stickels vs. The Eight Judicial District Court of the State of Nevada,
19 in and for the County of Clark and the Honorable Nancy L. Allf, District Judge, Case No.
20 78301.

21 Commissioner of Insurance for the State of Nevada as Receiver of Lewis and Clark LTC
22 Risk Retention Group, Inc. vs. The Eight Judicial District Court of the State of Nevada, in
23 and for the County of Clark and the Honorable Nancy L. Allf, District Judge, Case No.
24 81857.

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

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

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that on this 30th day of January, 2023, I caused the document entitled **CASE APPEAL STATEMENT** to be served on the following by Electronic

Service to:

ALL PARTIES ON THE E-SERVICE LIST

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