

1 DENNIS L. KENNEDY
Nevada Bar No. 1462
2 JOSEPH A. LIEBMAN
Nevada Bar No. 10125
3 JOSHUA P. GILMORE
Nevada Bar No. 11576
4 TAYLER D. BINGHAM
Nevada Bar No. 15870
5 **BAILEY ❖ KENNEDY**
8984 Spanish Ridge Avenue
6 Las Vegas, Nevada 89148-1302
Telephone: 702.562.8820
7 Facsimile: 702.562.8821
DKennedy@BaileyKennedy.com
8 JLiebman@BaileyKennedy.com
JGilmore@BaileyKennedy.com
9 TBingham@BaileyKennedy.com

10 *Attorneys for Defendants and Counterclaimant*
RUSSELL J. SHAH, M.D.; DIPTI R. SHAH,
11 M.D.; RUSSELL J. SHAH, MD, LTD.; DIPTI
R. SHAH, MD, LTD.; and RADAR
12 MEDICAL GROUP, LLP dba UNIVERSITY
URGENT CARE

13 UNITED STATES DISTRICT COURT
14 DISTRICT OF NEVADA

15 ALLSTATE INSURANCE COMPANY,
16 ALLSTATE PROPERTY & CASUALTY
INSURANCE COMPANY, ALLSTATE
17 INDEMNITY COMPANY, and ALLSTATE
FIRE & CASUALTY INSURANCE
18 COMPANY,

19 Plaintiffs,

20 vs.

21 RUSSELL J. SHAH, M.D.; DIPTI R. SHAH,
M.D.; RUSSELL J. SHAH, MD, LTD.; DIPTI
22 R. SHAH, MD, LTD.; and RADAR MEDICAL
GROUP, LLP dba UNIVERSITY URGENT
23 CARE, Does 1-100, and ROES 101-200,

24 Defendants.

25 AND RELATED CLAIMS.
26
27
28

Case No. 2:15-cv-01786-APG-DJA

**STIPULATION AND ORDER
REGARDING DISMISSAL OF
CERTAIN PATIENTS UNDERLYING
ALLSTATE'S CAUSES OF ACTION**

BAILEY ❖ KENNEDY
8984 SPANISH RIDGE AVENUE
LAS VEGAS, NEVADA 89148-1302
702.562.8820

BAILEY ♦ KENNEDY
8984 SPANISH RIDGE AVENUE
LAS VEGAS, NEVADA 89148-1302
702.562.8820

1 Defendants and Counterclaimant Russell J. Shah, M.D., Dipti R. Shah M.D., Russell J. Shah,
2 MD, Ltd., Dipti R. Shah, MD, Ltd., and Radar Medical Group, LLP d/b/a University Urgent Care
3 (collectively, the “Radar Parties”) and Plaintiffs/Counterdefendants Allstate Insurance Company,
4 Allstate Property & Casualty Insurance Company, Allstate Indemnity Company, and Allstate Fire &
5 Casualty Insurance Company (collectively, the “Allstate Parties”), by and through their respective
6 attorneys of record, stipulate and agree as follows:

7 1. On July 17, 2023, the Court entered its Order [ECF No. 583] granting in part the
8 Radar Parties’ Motion for Summary Judgment on Allstate’s Causes of Action in its First Amended
9 Complaint [ECF Nos. 460/461]. The Court directed the parties to confer regarding which of the
10 remaining 197 patients underlying Allstate’s causes of action¹ are subject to dismissal in accordance
11 with the Court’s Order and, upon doing so, prepare and file: (i) A stipulation and proposed order
12 identifying those patients for whom the parties agree are subject to dismissal (the “Stipulation”); and
13 (ii) a joint status report identifying those patients for whom the parties disagree are subject to
14 dismissal, together with the parties’ respective positions (the “Joint Status Report”).

15 2. Since then, the parties conferred and agreed that, pursuant to the Court’s Order,
16 Allstate’s causes of action are dismissed as to 91 patients who are identified by numbers, first and
17 last initials, and claim numbers in Exhibit “A” attached to this Stipulation.

18 3. Following the meet and confer process, the parties agreed that 91 patients who are
19 identified by numbers, first and last initials, and claim numbers in Exhibit “B” attached to this
20 Stipulation are not subject to dismissal pursuant to the Court’s Order.

21 4. Despite their best efforts, the parties could not agree whether 15 patients who are
22 identified by numbers, first and last initials, and claim numbers in Exhibit “C” attached to this
23 Stipulation are subject to dismissal pursuant to the Court’s Order. As a result, the parties are filing a
24 Joint Status Report identifying those patients for whom the parties disagree are subject to dismissal,
25 together with the parties’ respective positions.

26
27
28 ¹ Allstate voluntarily dismissed 16 patients underlying its causes of action prior to the close of discovery.

1 5. Nothing herein is intended or shall be construed as a waiver of any party’s appellate
2 rights with respect to the Court’s Order. Subject to pre-trial rulings of the Court, the Allstate Parties
3 reserve the right to use portions of the dismissed claims as evidence in trial; and the Radar Parties
4 reserve the right to move to exclude such evidence from being admitted at trial.

5 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

6 DATED this 29th day of September, 2023.

DATED this 29th day of September, 2023.

7 FAIN ANDERSON VANDERHOEF
8 ROSENDAHL O'HALLORAN SPILLANE
9 PLLC

BAILEY ❖ KENNEDY

9 By: /s/ Eron Z. Cannon
10 ERON Z. CANNON
11 JENNIFER M. SMITROVICH
12 701 Fifth Avenue, Suite 4750
13 Seattle, WA 98104

By: /s/ Joshua P. Gilmore
DENNIS L. KENNEDY
JOSEPH A. LIEBMAN
JOSHUA P. GILMORE
TAYLER D. BINGHAM
8984 Spanish Ridge Avenue
Las Vegas, NV 89148

Attorneys for Defendants & Counterclaimant

JONATHAN W. CARLSON
TODD W. BAXTER
GREGORY S. MASON
McCORMICK, BARSTOW,
SHEPPARD, WAYTE & CARRUTH
8337 West Sunset Road, Suite 350
Las Vegas, NV 89113

Attorneys for Plaintiffs/Counterdefendants

ORDER

19 Based on the above Stipulation, and pursuant to the Court’s July 17, 2023 Order [ECF No.
20 583] granting in part the Radar Parties’ Motion for Summary Judgment on Allstate’s Causes of
21 Action in its First Amended Complaint [ECF Nos. 460/461], and good cause appearing,

22 **IT IS ORDERED** that summary judgment is entered in favor of the Radar Parties against
23 Allstate with respect to the 91 patients underlying Allstate’s causes of action in its First Amended
24 Complaint who are identified in Exhibit “A” attached to this Order.

25 **IT IS SO ORDERED.**



UNITED STATES DISTRICT JUDGE

DATED: October 2, 2023

INDEX OF EXHIBITS TO
STIPULATION AND ORDER REGARDING DISMISSAL OF
CERTAIN PATIENTS UNDERLYING ALLSTATE’S CAUSES
OF ACTION

Exhibit No.	Document Description
A	91 Patients Dismissed Pursuant to the Court’s Order
B	91 Patients Not Dismissed Pursuant to the Court’s Order
C	15 Patients Disputed as to Dismissal Pursuant to the Court’s Order

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

BAILEY ❖ KENNEDY
8984 SPANISH RIDGE AVENUE
LAS VEGAS, NEVADA 89148-1302
702.562.8820

EXHIBIT A

**91 Patients Dismissed Pursuant
to the Court's Order**

Exhibit "A" to Stipulation and Order Regarding Dismissal of Certain Patients Underlying Allstate's Causes of Action

No.	Claim No.	Patient Initials
2	117198456	R.P.
4	121150635	P.P.
6	125100768	M.A.
7	128745031	P.B.
10	131086217	M.C.
12	134652114	N.G.
13	136848603	E.G.
14	136848603	Y.W.
16	137599410	C.S.
17	138291091	D.W.
18	140572769	V.S.
24	143936466	M.B.
25	146898571	C.E.
28	147522338	V.G.
34	152425906	Y.A.
37	155786809	O.E.
40	161282363	C.M.
42	162263222	E.F.M.
45	164074387	J.Z.
50	170652804	I.Y.
51	173848441	M.P.
52	175102904	J.R.
55	178779245	C.S.
56	180474025	M.A.N.
57	181903428	G.B.
58	182918078	C.D.
59	183180108	G.A.
60	183756857	L.D.
66	189425993	G.O.
67	189674582	C.D.
68	190689975	T.J.G.
69	191091999	M.C.
70	192831204	V.G.
71	194759296	D.T.
75	1974737188	M.R.
76	1974773984	C.R.C.
77	1974780989	N.B.
79	1974792738	L.P.
87	201343068	C.M.
91	203251079	M.D.
92	203251079	P.G.
94	204186886	Or.K.
95	204186886	Oo.K.
99	206696378	T.A.
102	208231845	M.C.
107	210469060	L.L.

Exhibit "A" to Stipulation and Order Regarding Dismissal of Certain Patients Underlying Allstate's Causes of Action

No.	Claim No.	Patient Initials
108	212270037	J.D.
111	214688574	J.G.
112	214983157	E.O.
114	218986768	J.L.
126	226912632	B.W.
129	227920543	R.W.
131	231131681	E.R.
136	234407344	K.E.
137	235066404	H.A.
144	240634808	T.R.
145	241755826	K.V.B.
148	242662450	D.A.
150	244407466	R.C.
151	244407466	P.C.
152	244717724	A.T.
153	244891776	A.D.
154	244891776	S.D.
158	247534976	R.D.
162	248437733	D.D.
165	253948871	J.O.
166	255162919	F.M.
167	256063066	P.G.
168	257987057	D.P.
170	258755453	R.A.
173	262507734	E.A.
174	263346520	H.F.
176	268057692	T.C.
178	268759164	E.S.
179	269238697	I.W.
181	275351153	K.F.
185	277183588	G.S.D.
186	278987151	N.V.
187	279236228	K.K.
190	281910042	B.G.
191	289145708	T.A.
195	297937252	E.K.
196	298694241	A.P.
197	298952978	G.P.
198	299171132	H.C.
199	300060597	C.M.
207	306559105	B.C.S.
208	310921630	R.B.
210	316244474	M.A.
211	316244474	Y.L.
212	316244474	J.L.S.

EXHIBIT B

**91 Patients Not Dismissed
Pursuant to the Court's Order**

Exhibit "B" to Stipulation and Order Regarding Dismissal of Certain Patients Underlying Allstate's Causes of Action

No.	Claim No.	Patient Initials
1	116339052	T.T.
5	122116437	L.R.
8	128926342	R.O.
9	129105789	J.F.
11	131176752	L.C.
15	137018602	D.T.
20	141741744	M.L.
21	142793017	J.S.
29	147815542	R.S.
30	149172744	S.W.
31	150958775	K.L.
33	152171351	B.L.
35	154033658	V.A.
36	155299463	C.G.
38	156254245	D.C.
39	157396812	A.J.
41	161682000	M.D.
43	162628267	T.R.
47	168545572	G.A.
48	168545572	L.A.
61	187765862	A.N.G.
63	188488449	J.C.A.
64	188488449	E.Q.
65	188607642	J.D.
73	197358781	C.C.
74	1974709336	N.S.
78	1974785682	R.P.
80	1974800580	T.V.
81	1974905009	M.A.
82	1974905009	N.A.
85	201257888	C.R.
86	201257888	R.R.
88	202589354	H.T.N.
89	202589354	R.V.
90	202882304	I.T.
93	203768429	K.C.
96	206327421	A.A.
97	206327421	L.L.
98	206327421	C.R.
100	207819426	S.M.
101	207825647	D.A.
103	208231845	J.C.
106	209466341	S.M.
109	213495392	C.A.S.
110	213495392	D.A.
115	219460284	D.F.

Exhibit "B" to Stipulation and Order Regarding Dismissal of Certain Patients Underlying Allstate's Causes of Action

No.	Claim No.	Patient Initials
117	223529181	M.M.
118	224292441	K.N.
119	224292441	P.C.
120	224292441	W.M.
121	224775908	K.P.
122	224915124	E.J.K.
124	226314250	T.S.
125	226660033	H.L.
127	227846524	R.C.
132	232580555	J.A.P.
133	234201192	A.A.
134	234212892	S.L.A.
135	234212892	J.T.
138	236721775	C.S.
139	236942520	J.V.
140	237296248	A.M.
141	238159917	T.T.
142	238981526	R.A.
143	240634808	J.R.
147	242395795	N.B.
149	242917409	C.M.
157	246191308	D.B.
159	247577588	J.D.N.
160	247750102	S.N.
163	248437733	C.H.
164	250810603	T.C.
171	260058714	P.H.
172	261069082	D.W.
175	265652339	S.B.
177	268759164	A.R.
180	274945328	E.M.C.
182	275797965	E.G.
183	276051901	E.C.
184	276051901	L.C.
188	279377550	J.S.
189	280018698	M.S.
192	293049994	M.T.
193	293533550	R.D.
194	297937252	K.B.
200	300456950	T.O.
201	300456950	L.O.
204	302317672	N.O.
206	304573363	M.J.
209	315140426	Y.D.
213	999050205	J.D.D.

EXHIBIT C

**15 Patients Disputed as to
Dismissal Pursuant to the
Court's Order**

Exhibit "C" to Stipulation and Order Regarding Dismissal of Certain Patients Underlying Allstate's Causes of Action

No.	Claim No.	Patient Initials
27	147431571	P.M.
32	151735743	R.V.
44	163301203	R.D.
46	165579475	G.V.
49	170565899	K.M.
53	176502102	A.V.
62	188002810	M.V.
72	194891099	M.A.R.
83	1974985613	J.S.
104	208279018	R.S
105	209315258	H.C.
123	226314250	C.K.
128	227885928	E.J.
130	229474010	M.V.
146	241895373	R.M.