

MORGAN VERKAMP, LLC

1 Philip Goodhart (Bar No. 5332)
PNG@thorndal.com
2 THORNDAL, ARMSTRONG, DELK
BALKENBUSH & EISINGER
3 1100 E. Bridger Avenue
Las Vegas, NV 89101
4 Telephone: 702.366.0622
Facsimile: 702.366.0327

James J. Pisanelli, Esq.
Nevada Bar No. 4027
PISANELLI BICE, PLLC
400 S. 7th Street, Suite 300
Las Vegas, NV 89101
Telephone: (702) 214-2100
Facsimile: (702) 214-2101
Email: jjp@pisanellibice.com

5 Merrill Hirsh (admitted *pro hac vice*)
6 merril@merrilhirsh.com
LAW OFFICE OF MERRIL HIRSH PLLC
7 2837 Northampton St., NW
Washington, D.C. 20015
8 Telephone: 202.448.9020

R. Jeffrey Layne, Esq. (admitted *pro hac vice*)
REED SMITH LLP
111 Congress Avenue, Suite 400
Austin, TX 78701
Telephone: (512) 623-1801
Facsimile: (512) 623-1802
Email: jlayne@reedsmith.com

9 Frederick J. Morgan (*pro hac vice*)
rmorgan@morganverkamp.com
10 Jennifer M. Verkamp (*pro hac vice*)
jverkamp@morganverkamp.com
11 Sonya A. Rao (*pro hac vice*)
sonya.rao@morganverkamp.com
12 Ian M. Doig (*pro hac vice*)
ian.doig@morganverkamp.com
13 MORGAN VERKAMP LLC
35 East Seventh Street, Suite 600
14 Cincinnati, OH 45202
Telephone: 513.651.4400
15 Facsimile: 513.651.4405

*Attorneys for Defendants HealthSouth Corp.
And HealthSouth of Henderson, Inc.*

Jack W. Selden
(admitted *pro hac vice*)
1819 Fifth Avenue North
Birmingham, AL 35203
Kimberly B. Martin
(admitted *pro hac vice*)
BRADLEY ARANT BOLT CUMMINGS LLP
200 Clinton Avenue West, Suite 900
Huntsville, AL 35801

16 *Attorneys for Plaintiff-Relator Joshua Luke*

Attorneys for Defendant Kenneth Bowman

17
18 **UNITED STATES DISTRICT COURT**
19 **DISTRICT OF NEVADA**

20 UNITED STATES OF AMERICA, *ex rel.*,
21 Joshua Luke,

22 Plaintiff,

23 v.

24 HEALTHSOUTH CORPORATION,
HEALTHSOUTH OF HENDERSON, INC. and
25 KENNETH BOWMAN,

26 Defendants.
27
28

Case No.: 2:13-cv-01319-APG-VCF

**JOINT STATUS REPORT ON
SETTLEMENT PURSUANT TO
COURT ORDER SUSPENDING
DISCOVERY DEADLINES; and
[PROPOSED] ORDER TO EXTEND
DISCOVERY DEADLINES**

1 Pursuant to the August 27, 2019 Order of the Court (Doc. 225) and the August 28, 2019
2 Order issued by Special Master David Tenner (Doc. 226), Relator Joshua Luke (“Relator”),
3 Defendants HealthSouth Corporation and HealthSouth of Henderson (collectively, “HealthSouth”),
4 and Defendant Kenneth Bowman (“Bowman”), collectively the “Parties,” hereby submit this joint
5 status report regarding the Parties’ ongoing settlement discussions with the United States
6 Government (the “Government”):

7 1. On August 13, 2019, the Parties, along with the Government, participated in
8 settlement discussions, which resulted in a tentative agreement to settle this matter. In light of this
9 tentative agreement, the Parties filed two Joint Stipulations and Proposed Orders Vacating the
10 Hearing on Defendants’ Objections to the Special Master’s Order (Docs. 223 and 224),¹ in which the
11 Parties sought a stay of the case deadlines while they finalized settlement.

12 2. On August 27, 2019, the Court issued an order (Doc. 225) vacating the hearing on
13 Defendants’ Objections to the Special Master’s Order (Doc. 216), originally scheduled for
14 September 6, 2019; granting a stay of the case deadlines until September 24, 2019; and requiring the
15 Parties to file a status report on or before September 24, 2019. On August 28, 2019, the Special
16 Master also issued an Order granting this relief. (Doc. 226)

17 3. The Parties and the Government have participated in numerous communications by
18 telephone and email regarding the settlement agreement, during which the Parties discussed the
19 scope of the settlement agreement and the Parties’ releases of claims.

20 4. The Government has also drafted a settlement agreement and is awaiting
21 authorization to circulate the draft to the Parties.

22 5. While the Parties expect the settlement will be finalized shortly, they need additional
23 time to finalize and execute the settlement agreement.

24 Accordingly, the Parties hereby seek and agree to the entry of an order providing them with
25 an additional 28-day stay of the case deadlines, so that they may continue the settlement negotiations
26 and finalize and execute a settlement agreement in resolution of this case.

27 _____
28 ¹ Doc. 223 contained a signature block for Judge Ferenbach, and Doc. 224 contained a signature
block for Special Master David Tenner.

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

DATED this 24th day of September, 2019.

**THORNDAL, ARMSTRONG, DELK,
BALKENBUSH & EISINGER**

/s/ Philip Goodhart
PHILIP GOODHART, ESQ.
Nevada Bar No. 5332
1100 E. Bridger Avenue
Las Vegas, NV 89101

LAW OFFICE OF MERRIL HIRSH PLLC

/s/ Merrill Hirsh
MERRIL HIRSH, ESQ.
(admitted *pro hac vice*)
2837 Northampton St., NW
Washington, D.C. 20015

MORGAN VERKAMP LLC

/s/ Ian M. Doig
FREDERICK M. MORGAN, JR.
(admitted *pro hac vice*)
SONYA A. RAO
(admitted *pro hac vice*)
IAN DOIG
(admitted *pro hac vice*)
35 East Seventh St., Suite 600
Cincinnati, OH 45202

Attorneys for Relator Joshua Luke

IT IS HEREBY ORDERED that the parties
must file a status report on or before
October 22, 2019.

Respectfully submitted,

DATED this 24th day of September, 2019.

PISANELLI BICE, PLLC

/s/ James Pisanelli
JAMES J. PISANELLI, ESQ.
Nevada Bar No. 4027
400 S. 7th Street, Suite 300
Las Vegas, NV 89101

REED SMITH LLP

/s/ James L. Sanders
R. JEFFREY LANE, ESQ.
(admitted *pro hac vice*)
111 Congress Avenue, Suite 400
Austin, TX 78701
LESLEY REYNOLDS
1301 K Street, N.W.
Suite 1000-East Tower
Washington, DC 20005
JAMES L. SANDERS
355 South Grand Avenue, Suite 2900
Los Angeles, CA 90071
*Attorneys for Defendants HealthSouth Corp.
and HealthSouth of Henderson, Inc.*

**BRADLEY ARANT BOULT CUMMINGS
LLP**

/s/ Kimberly B. Martin
JACK W. SELDEN
(admitted *pro hac vice*)
1819 Fifth Avenue North
Birmingham, AL 35203
KIMBERLY BESSIERE MARTIN
(admitted *pro hac vice*)
200 Clinton Avenue West, Suite 900
Huntsville, AL 35801

Attorneys for Defendant Kenneth Bowman

IT IS SO ORDERED:



MAGISTRATE JUDGE CAM FERENBACH

DATED: 9-25-2019

CASE NO. 2:13-CV-01319-APG-VCF

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent via the Court’s electronic filing system and served on all counsel of record on September 24, 2019.

/s/ Ian M. Doig
Ian M. Doig
Attorney for plaintiff-relator Joshua Luke

MORGAN VERKAMP, LLC

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