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 DVH HOSPITAL ALLIANCE, LLC

12
 13 **UNITED STATES DISTRICT COURT**
 14 **DISTRICT OF NEVADA**

15
 16 UNITED STATES OF AMERICA ex rel.
 TALI ARIK, M.D.

17 Plaintiff/Relator,

18 v.

19 DVH HOSPITAL ALLIANCE, LLC, d/b/a
 20 DESERT VIEW HOSPITAL; VALLEY
 21 HEALTH SYSTEM LLC, d/b/a THE VALLEY
 HEALTH SYSTEM; UNIVERSAL HEALTH
 22 SERVICES, INC.; VISTA HEALTH MIRZA,
 M.D. P.C. d/b/a VISTA HEALTH; and IRFAN
 23 MIRZA, M.D.,

24 Defendants.

Case No.: 2:19-CV-01560-JAD-VCF

**DEFENDANT DVH HOSPITAL
 ALLIANCE'S MOTION TO EXTEND
 TIME TO RESPOND TO SECOND
 AMENDED COMPLAINT**

(FIRST MOTION)

McDERMOTT WILL & EMERY LLP
 ATTORNEYS AT LAW
 LOS ANGELES

MOTION

Pursuant to Local Rule IA 6-1, defendant DVH Hospital Alliance, LLC, doing business as Desert View Hospital (“Desert View”), hereby moves this Court for an order extending the time for Desert View to respond to the second amended complaint filed by relator Tali Arik, M.D. (“Dr. Arik”) by 21 days from November 24, 2020 to December 15, 2020.

MEMORANDUM OF POINTS AND AUTHORITIES

On October 21, 2020, the Court issued an order (the “Order”) dismissing the first amended complaint against Desert View and granting Dr. Arik leave to amend to file a second amended complaint to address the pleading issues related to his single claim under the False Claims Act (the “FCA”). ECF No. 52. Dr. Arik filed his second amended complaint on November 10, 2020. ECF No. 53. Rather than just address the pleading issues identified in the Order, Dr. Arik’s second amended complaint adds four new defendants, two new claims under the FCA, several new fraud theories, and more than 100 new allegations, thereby increasing the complexity of this action in several respects.

Give the addition of the new defendants, Desert View proposed a uniform response date to the second amended complaint for all of the defendants, once they have been served. Dr. Arik rejected this proposal. Desert View then requested a 21-day extension for its own response deadline because lead counsel for Desert View (Gregory Jones) is presently in an arbitration hearing that will last through November 25, 2020, which encompasses Desert View’s current response deadline. Dr. Arik rejected this proposal as well, offering a 7-day extension. Given the Thanksgiving holiday, those extra seven days do not give Desert View sufficient time to prepare its response.

For these reasons, good cause exists to grant Desert View a 21-day extension to respond to the second amended complaint until December 15, 2020. Dr. Arik will not suffer any prejudice to this extension because the new defendants’ answer to the second amended complaint will not be due before Desert View’s requested deadline. Therefore, Desert View respectfully requests that the Court issue an order granting this first requested extension.

MCDERMOTT WILL & EMERY LLP
ATTORNEYS AT LAW
LOS ANGELES

1 Dated: November 17, 2020

McDERMOTT WILL & EMERY LLP

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3 By: /s/ Gregory R. Jones
4 GREGORY R. JONES
Attorneys for Defendant
5 DVH HOSPITAL ALLIANCE, LLC

6 IT IS SO ORDERED.

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10 Cam Ferenbach
United States Magistrate Judge

11 11-20-2020
12 Dated: _____

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McDERMOTT WILL & EMERY LLP
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CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Civil Procedure 5(b), I hereby certify that on November 17, 2020, I caused the foregoing to be served through the Court's CM/ECF system addressed to:

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Ines Olevic-Saleh
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