

**United States District Court
District of Nevada (Reno)
CIVIL DOCKET FOR CASE #: 3:16-cv-00418-MMD-VPC
Internal Use Only**

Medchoice Risk Retention Group, Inc. v. Robert G. Rand,
M.D., et al.

Assigned to: Judge Miranda M. Du

Referred to: Magistrate Judge Valerie P. Cooke

Case: [2:16-cv-01630](#)

Cause: 28:1332 Diversity-Insurance Contract

Date Filed: 07/12/2016

Jury Demand: Defendant

Nature of Suit: 110 Insurance

Jurisdiction: Diversity

Plaintiff

**Medchoice Risk Retention Group,
Inc.**

represented by **Shauna M. Ehlert**

Cozen O'Connor

999 Third Avenue

Suite 1900

Seattle, WA 98104

206-340-1000 x1251

Fax: 206-621-8783

Email: sehlert@cozen.com

LEAD ATTORNEY

PRO HAC VICE

ATTORNEY TO BE NOTICED

Damon A Schuetze

Schuetze & McGaha, P.C.

601 S. Rancho Drive

Suite C-20

Las Vegas, NV 89106

702-369-3225

Fax: 702-369-2110

Email: das@smlvlaw.net

ATTORNEY TO BE NOTICED

Michael W. Melendez

Cozen O'Connor

575 Market Street

Suite 2200

San Francisco, CA 94105

415-644-0914

Fax: 415-644-0978

Email: mmelendez@cozen.com

ATTORNEY TO BE NOTICED

V.

Defendant

Robert G. Rand
M.D.

represented by **Victor Alan Perry**
1701 W. Charleston Blvd., Ste. 200
Las Vegas, NV 89102
702-870-2400
Fax: 702-870-8220
Email: vperry@perryspann.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Alan W Westbrook
Perry & Westbrook
1701 W. Charleston Blvd.
Suite 200
Las Vegas, NV 89102
702-870-2400
Fax: 702-870-8220
Email:
awestbrook@perrywestbrook.com
ATTORNEY TO BE NOTICED

Defendant

Rand Family Care, LLC

represented by **Victor Alan Perry**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Alan W Westbrook
(See above for address)
ATTORNEY TO BE NOTICED

Intervenor

Cyndi Papez Yenick

represented by **William C. Jeanney**
Bradley Drendel & Jeanney
401 Flint St
PO Box 1987
Reno, NV 89501
775-335-9999
Email: wcjeanney@bdjlaw.com
ATTORNEY TO BE NOTICED

Counter Claimant

Robert G. Rand
M.D.

represented by **Victor Alan Perry**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Alan W Westbrook

(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

Rand Family Care, LLC

represented by **Victor Alan Perry**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Alan W Westbrook
 (See above for address)
ATTORNEY TO BE NOTICED

V.


Counter Defendant


Medchoice Risk Retention Group, Inc.


represented by **Shauna M. Ehlert**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED


Damon A Schuetze
 (See above for address)
ATTORNEY TO BE NOTICED



Michael W. Melendez
 (See above for address)
ATTORNEY TO BE NOTICED


Date Filed	#	Docket Text
07/12/2016	 1	<p>COMPLAINT <i>For Rescission Or, In The Alternative, For Declaratory Judgment</i> against Robert G. Grand, M.D. and Rand Family Care LLC (Filing fee \$400 receipt number 0978-4194437), filed by Medchoice Risk Retention Group, Inc.. Proof of service due by 10/10/2016. (Attachments: # 1 Exhibit A - Coroners Med Request, # 2 Exhibit B - MedChoice Renewal App, # 3 Exhibit C - Professional Liability App, # 4 Exhibit D - Retroactive Coverage Form, # 5 Exhibit E - No Loss Letter, # 6 Exhibit F - Rand Records Request, # 7 Exhibit G - Rand Yenick Complaint, # 8 Exhibit H - Rand Criminal Complaint, # 9 Exhibit I - Rand Policy, # 10 Exhibit J, # 11 Civil Cover Sheet, # 12 Summons Dr. Rand, # 13 Summons Rand Family Care)(Melendez, Michael)</p> <p>NOTICE of Certificate of Interested Parties requirement: Under Local Rule 7.1-1, a party must <u>immediately</u> file its disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court. (Entered: 07/12/2016)</p>



07/12/2016	2	CERTIFICATE of Interested Parties filed by Medchoice Risk Retention Group, Inc. that identifies all parties that have an interest in the outcome of this case. Other Affiliate Medchoice Risk Retention Group, Inc., Other Affiliate Robert G. Rand, M.D., Other Affiliate Rand Family Care, LLC for Medchoice Risk Retention Group, Inc. added. <i>Plaintiff MedChoice Risk Retention Group, Inc. Corporate Disclosure Statement and Certificate of Interested Parties.</i> (Melendez, Michael) (Entered: 07/12/2016)
07/12/2016		Case assigned to District Judge Larry R. Hicks and Magistrate Judge Valerie P. Cooke. (WJ) (Entered: 07/12/2016)
07/12/2016	3	NOTICE TO COUNSEL PURSUANT TO LOCAL RULE IA 11-2. Counsel Shauna Martin Ehlert to comply with completion and electronic filing of the Designation of Local Counsel and Verified Petition. For your convenience, click on the following link to obtain the form from the Court's website - www.nvd.uscourts.gov/Forms.aspx . Upon approval of the Verified Petition, counsel is required to register for the Court's Case Management and Electronic Case Filing (CM/ECF) system and the electronic service of pleadings. Please visit the Court's website www.nvd.uscourts.gov to register Attorney(s). Verified Petition due by 8/26/2016. (no image attached) (WJ) (Entered: 07/12/2016)
07/13/2016		(Court only) ***Staff notes: Case setup review. (DRM) Modified - 2 exhibits containing personal identifiers changed to private access on 7/13/2016(LG). (Entered: 07/13/2016)
07/13/2016	4	SUMMONS ISSUED as to All Defendants. (Attachments: # 1 Rand Family Care LLC)(DRM) (Entered: 07/13/2016)
07/13/2016	5	MINUTE ORDER IN CHAMBERS of the Honorable Chief Judge Gloria M. Navarro, on 7/13/2016. IT IS ORDERED that this case is reassigned to Judge Miranda M. Du for all further proceedings. Judge Larry R. Hicks no longer assigned to case. All further documents must bear the correct case number 3:16-cv-00418-MMD-VPC . (no image attached) (Copies have been distributed pursuant to the NEF - BLG) (Entered: 07/13/2016)
08/04/2016	6	VERIFIED PETITION for Permission to Practice Pro Hac Vice by Shauna Martin Ehlert and DESIGNATION of Local Counsel Michael M. Melendez (Filing fee \$ 250 receipt number 0978-4227766) filed by Plaintiff Medchoice Risk Retention Group, Inc. <i>Verified Petition For Permission to Practice In This Case Only By Attorney Not Admitted To The Bar of This Court And Designation of Local Counsel.</i> (Melendez, Michael) (Entered: 08/04/2016)
08/05/2016	7	MINUTE ORDER IN CHAMBERS of the Honorable Judge Miranda M. Du, on 8/5/2016. By Deputy Clerk: Peggie Vannozzi. The Court denies ECF No. 6 , Shauna Martin Ehlert's Verified Petition for Permission to Practice Pro Hac Vice and Designation of Local Counsel for failure to comply with LR 11-2(b)(3). Petitioner may cure the deficiency by filing a notice of corrected image that contains the Certificate of Good Standing

		and link the corrected image to the original verified petition (ECF No. 6 .) Petitioner is to comply with the rules by 8/19/2016. (Copies have been distributed pursuant to the NEF - PAV) (Entered: 08/05/2016)
08/08/2016	8	NOTICE of Corrected Image/Document re 6 Verified Petition, by Plaintiff Medchoice Risk Retention Group, Inc.. (Service of corrected image is attached). (Attachments: # 1 Exhibit A - Certificate of Good Standing) (Melendez, Michael) (Entered: 08/08/2016)
08/09/2016	9	ORDER APPROVING ECF No. 6 / 8 Verified Petition for Permission to Practice Pro Hac Vice by Attorney Shauna Martin Ehlert for Medchoice Risk Retention Group, Inc., and DESIGNATION of Local Counsel Damon Schuetze Signed by Judge Miranda M. Du on 8/8/2016. (Copies have been distributed pursuant to the NEF - DRM) Modified on 8/9/2016 to reflect : Any Attorney not yet registered with the Court's CM/ECF System shall submit a Registration Form on the Court's website www.nvd.uscourts.gov (DRM). (Entered: 08/09/2016)
08/19/2016	10	MOTION to Intervene by Intervenor Cyndi Papez Yenick. Responses due by 9/5/2016. (Attachments: # 1 Exhibit)(Jeanney, William) (Entered: 08/19/2016)
08/19/2016	11	CERTIFICATE of Interested Parties filed by Cyndi Papez Yenick. There are no known interested parties other than those participating in the case . (Jeanney, William) (Entered: 08/19/2016)
08/22/2016		(Court only) **NON-PUBLIC** Deadline set by 7 terminated. (PAV) (Entered: 08/22/2016)
08/29/2016	12	SUMMONS Returned Executed by Medchoice Risk Retention Group, Inc. re 4 Summons Issued, 1 Complaint,,,,, Rand Family Care, LLC served on 8/5/2016, answer due 8/26/2016. (Ehlert, Shauna) (Entered: 08/29/2016)
08/29/2016	13	SUMMONS Returned Executed by Medchoice Risk Retention Group, Inc. re 4 Summons Issued, 1 Complaint,,,,, Robert G. Rand served on 8/9/2016, answer due 8/30/2016. (Ehlert, Shauna) (Entered: 08/29/2016)
08/30/2016	14	ANSWER to 1 Complaint,,,,, with Jury Demand (, Discovery Plan/Scheduling Order due by 10/14/2016.), COUNTERCLAIM against Medchoice Risk Retention Group, Inc. filed by Robert G. Rand, Rand Family Care, LLC.(Westbrook, Alan) NOTICE of Certificate of Interested Parties requirement: Under Local Rule 7.1-1, a party must <u>immediately</u> file its disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court. (Entered: 08/30/2016)
08/30/2016	15	CERTIFICATE of Interested Parties filed by Robert G. Rand, Rand Family Care, LLC. There are no known interested parties other than those participating in the case . (Westbrook, Alan) (Entered: 08/30/2016)
08/31/2016	16	RESPONSE to 10 Motion to Intervene, filed by Counter Claimants Robert G. Rand, Rand Family Care, LLC, Defendants Robert G. Rand, Rand

		Family Care, LLC. Replies due by 9/10/2016. (Attachments: # 1 Exhibit 1) (Westbrook, Alan) (Entered: 08/31/2016)
08/31/2016		(Court only) **NON-PUBLIC** Attorney update in case: Attorney Victor Alan Perry for Robert G. Rand,Victor Alan Perry for Robert G. Rand,Victor Alan Perry for Rand Family Care, LLC,Victor Alan Perry for Rand Family Care, LLC added. See 14 (BLG) (Entered: 08/31/2016)
08/31/2016	17	ERRATA to 1 Complaint,,,,, ; <i>Errata to exhibits A and C of Complaint</i> filed by Plaintiff Medchoice Risk Retention Group, Inc.. (Attachments: # 1 Exhibit Exh. A-Coroners Med Request-Redacted, # 2 Exhibit Exh. C Redacted)(Melendez, Michael) (Entered: 08/31/2016)
09/06/2016	18	RESPONSE to 10 Motion to Intervene, filed by Plaintiff Medchoice Risk Retention Group, Inc.. Replies due by 9/16/2016. (Ehlert, Shauna) (Entered: 09/06/2016)
09/07/2016	19	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Valerie P. Cooke, on 9/7/2016. By Deputy Clerk: LGM. A case management conference is set for 10/31/2016 at 09:00 AM in Reno Courtroom 1 before Magistrate Judge Valerie P. Cooke. Out-of-state and out-of-town counsel shall be allowed to appear telephonically for this hearing and shall dial 877-336-1829 at least five (5) minutes prior to the hearing to be properly connected into the courtroom. The access code is 2809752 and the security code is 16418 . The parties shall jointly file a case management report by no later than the close of business on Thursday, October 13, 2016 . See the attached order for specifications. (Copies have been distributed pursuant to the NEF - LGM) (Entered: 09/07/2016)
09/13/2016	20	JOINDER in <i>Plaintiff's Motion to Seal Filed in Case No. 2:16-cv-01630 as Document 3</i> filed by Counter Claimants Robert G. Rand, Rand Family Care, LLC, Defendants Robert G. Rand, Rand Family Care, LLC. (Westbrook, Alan) (Entered: 09/13/2016)
09/14/2016	21	STIPULATION FOR EXTENSION OF TIME (First Request) re 16 Response to Motion ; <i>to Reply to Defendants/Counterclaimants Robert G. Rand, M.D. and Rand Family Care, LLC's Opposition to the Yenick Family's Motion to Intervene</i> by Intervenor Cyndi Papez Yenick. (Jeanney, William) (Entered: 09/14/2016)
09/14/2016	22	MINUTE ORDER IN CHAMBERS of the Honorable Judge Miranda M. Du, on 9/14/2016. By Deputy Clerk: Peggie Vannozi. It is ordered: ECF No. 21 Stipulation to extend time is denied for failure to comply with LR 6-1(a). (Copies have been distributed pursuant to the NEF - PAV) (Entered: 09/14/2016)
09/15/2016	23	MINUTE ORDER IN CHAMBERS of the Honorable Judge Miranda M. Du, on 9/15/2016. By Deputy Clerk: Peggie Vannozi. Plaintiff filed a Motion to Seal Exhibits 1-1 and 1-3 to the Complaint in 2:16-cv-1630 before the case was transferred to the unofficial northern division of the district. Defendants filed a Joinder in the Motion (ECF No. 20 .) Good

		cause appearing, Plaintiff's Motion to Seal Exhibits A and C (ECF No. 1 -1 and 1 -3) of the Complaint is granted. The Clerk is to seal those exhibits. (no image attached) (Copies have been distributed pursuant to the NEF - PAV) (Entered: 09/15/2016)
09/15/2016		(Court only) ***Staff notes: Minute order granting Motion to seal was entered in 2:16-cv-1630. Motion has been terminated in that case. Counsel reminded to file future documents under this case number. (PAV) Modified on 9/15/2016 to indicate the attachments 1 and 3 are sealed (PAV). (Entered: 09/15/2016)
09/15/2016	24	STIPULATION FOR EXTENSION OF TIME (First Request) re 16 Response to Motion ; by Intervenor Cyndi Papez Yenick. (Jeanney, William) (Entered: 09/15/2016)
09/16/2016	25	MINUTE ORDER IN CHAMBERS of the Honorable Judge Miranda M. Du, on 9/16/2016. By Deputy Clerk: Peggie Vannozi. denying 24 Stipulation re ECF No. 16 Response to Motion by Intervenor Cyndi Papez Yenick. LR IA 6-1(a) states as follows: "A motion or stipulation to extend time must state the reasons for the extension requested and must inform the court of all previous extensions of the subject deadline the court granted." ECF No. 24 does not comply with the rule and is therefore denied. (Copies have been distributed pursuant to the NEF - PAV) (Entered: 09/16/2016)
09/16/2016	26	STIPULATION FOR EXTENSION OF TIME (First Request) re 16 Response to Motion ; by Intervenor Cyndi Papez Yenick. (Jeanney, William) (Entered: 09/16/2016)
09/19/2016	27	STIPULATION FOR EXTENSION OF TIME (Second Request) re 18 Response to Motion, 16 Response to Motion ; by Intervenor Cyndi Papez Yenick. (Jeanney, William) (Entered: 09/19/2016)
09/19/2016	28	ORDER granting ECF No. 26 Stipulation to Extend Time to Reply to Defendant/Counterclaimants Robert G. Rand, M.D., and Rand Family Care, LLC's Opposition to the Yenick Family's Motion to Intervene. Reply due September 19, 2016 . Signed by Judge Miranda M. Du on 09/16/2016. (Copies have been distributed pursuant to the NEF - KW) (Entered: 09/20/2016)
09/20/2016	29	REPLY to Response to 10 Motion to Intervene filed by Intervenor Cyndi Papez Yenick. <i>Reply Memorandum in Support of Motion to Intervene</i> (Attachments: # 1 Exhibit Proposed Answer)(Jeanney, William) (Entered: 09/20/2016)
09/23/2016	30	ORDER granting ECF No. 27 Stipulation to Extend Time (second request) to file Reply to Defendant/Counterclaimants Robert G. Rand, M.D., and Rand Family Care, LLC's Opposition to the Yenick Family's Motion to Intervene. Reply due by 9/21/2016 . Signed by Magistrate Judge Valerie P. Cooke on 09/22/2016. (Copies have been distributed pursuant to the NEF - KW) (Entered: 09/23/2016)
09/23/2016	 31	

		MOTION to Dismiss <i>Defendants' Counterclaims</i> re 14 Answer to Complaint,, Counterclaim,, by Plaintiff Medchoice Risk Retention Group, Inc.. Responses due by 10/10/2016. (Ehlert, Shauna) (Entered: 09/23/2016)
09/23/2016	32	REQUEST for Judicial Notice re 31 Motion to Dismiss ; by Plaintiff Medchoice Risk Retention Group, Inc.. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3)(Ehlert, Shauna) (Entered: 09/23/2016)
10/10/2016	33	RESPONSE to 31 Motion to Dismiss, filed by Counter Claimants Robert G. Rand, Rand Family Care, LLC, Defendants Robert G. Rand, Rand Family Care, LLC. <i>and Request for Court to Take Judicial Notice Replies</i> due by 10/20/2016. (Westbrook, Alan) (Entered: 10/10/2016)
10/13/2016	34	CASE MANAGEMENT REPORT <i>Case Management Conference: October 31, 2016 at 9:00 a.m.</i> by Plaintiff Medchoice Risk Retention Group, Inc.. (Ehlert, Shauna) (Entered: 10/13/2016)
10/14/2016	35	REPORT AND RECOMMENDATION - Recommended that ECF No. 10 Yenicks' Motion to Intervene be denied. Objections to R&R due by 10/31/2016 . Signed by Magistrate Judge Valerie P. Cooke on 10/14/2016. (Copies have been distributed pursuant to the NEF - KW) (Entered: 10/14/2016)
10/20/2016	36	REPLY to Response to 31 Motion to Dismiss filed by Plaintiff Medchoice Risk Retention Group, Inc.. (Ehlert, Shauna) (Entered: 10/20/2016)
10/20/2016	37	RESPONSE to 33 Response to Motion,, <i>Medchoice's Objection to Rand's Request for Judicial Notice</i> filed by Plaintiff Medchoice Risk Retention Group, Inc.. (Ehlert, Shauna) (Entered: 10/20/2016)
10/26/2016	 38	MOTION to Stay by Counter Claimants Robert G. Rand, Rand Family Care, LLC, Defendants Robert G. Rand, Rand Family Care, LLC. (Westbrook, Alan) (Entered: 10/26/2016)
10/28/2016	39	OBJECTION to 10-35 Report and Recommendation re 10 Motion by Intervenor Cyndi Papez Yenick. Response to Objections to R&R due by 11/14/2016. (Jeanney, William) Modified on 10/31/2016 event/link & text correction. (BLG). (Entered: 10/28/2016)
10/31/2016	40	MINUTES OF PROCEEDINGS - Case Management Conference held on 10/31/2016 before Magistrate Judge Valerie P. Cooke. Crtrm Administrator: <i>LGM</i> ; Pla Counsel: <i>Shauna Ehlert and Michael Melendez (Both by telephone)</i> ; Def Counsel: <i>Victor Perry</i> ; Court Reporter/FTR #: <i>9:05:14 - 9:25:36</i> ; Time of Hearing: <i>9:05 a.m.</i> ; Courtroom: <i>1</i> ; The Court and counsel review the parties' case management report (ECF No. 34). See the attached order for specifications. (Copies have been distributed pursuant to the NEF - LGM) (Entered: 11/01/2016)
11/09/2016	41	RESPONSE to 39 Objections re LR IB 3-1 or Motion for District Judge to Reconsider Order, 35 Report and Recommendation,, filed by Plaintiff Medchoice Risk Retention Group, Inc.. (Ehlert, Shauna) (Entered: 11/09/2016)

11/09/2016	42	RESPONSE to 38 Motion to Stay, filed by Plaintiff Medchoice Risk Retention Group, Inc.. Replies due by 11/19/2016. (Ehlert, Shauna) (Entered: 11/09/2016)
11/18/2016	43	REPLY to Response to 38 Motion to Stay filed by Counter Claimants Robert G. Rand, Rand Family Care, LLC, Defendants Robert G. Rand, Rand Family Care, LLC. (Westbrook, Alan) (Entered: 11/18/2016)
11/21/2016		(Court only) **NON-PUBLIC** Motions No Longer Referred: 38 Motion to Stay Action (DN) (Entered: 11/21/2016)
03/16/2017	44	ORDER that the Report and Recommendation of U.S. Magistrate Judge Valerie P. Cooke ECF No. 39 is adopted in full. The motion to intervene ECF No. 10 is denied. Signed by Judge Miranda M. Du on 03/15/2017. (Copies have been distributed pursuant to the NEF - KW) (Entered: 03/16/2017)
03/16/2017		(Court only) **NON-PUBLIC** Motions terminated: 39 Objections re LR IB 3-1 or Motion for District Judge to Reconsider Order filed by Cyndi Papez Yenick. (BLG) (Entered: 03/17/2017)
05/10/2017	45	MINUTE ORDER IN CHAMBERS of the Honorable Judge Miranda M. Du, on 5/10/2017. By Deputy Clerk: Peggie Vannozi. A hearing is set for 5/24/2017 at 1:30 PM in Reno Courtroom 5 before Judge Du on the following motions: (1) ECF No. 31 , MOTION to Dismiss <i>Defendants' Counterclaims</i> re 14 Answer to Complaint,, Counterclaim; and (2) ECF No. 38 , MOTION to Stay . (no image attached) (Copies have been distributed pursuant to the NEF - PAV) Modified on 5/10/2017 (PAV). (Entered: 05/10/2017)
05/16/2017		MINUTE ORDER IN CHAMBERS of the Honorable Judge Miranda M. Du, on 5/16/2017. By Deputy Clerk: Peggie Vannozi. The hearing on the Motion to Dismiss Defendants' Counterclaims (ECF No. 31) and Counterclaimants' Motion to Stay (ECF No. 38) set for 5/24/2017 at 1:30 PM is reset to 6/28/2017 at 2:30 PM in Reno Courtroom 5 before Judge Miranda M. Du. (Copies have been distributed pursuant to the NEF - PAV) (Entered: 05/16/2017)
05/18/2017	46	MINUTE ORDER IN CHAMBERS of the Honorable Judge Miranda M. Du, on 5/18/2017. By Deputy Clerk: Peggie Vannozi. The motions hearing set for 6/28/2017 at 2:30 PM is advanced to 5/31/2017 at 1:30 PM. (no image attached) (Copies have been distributed pursuant to the NEF - PAV) (Entered: 05/18/2017)