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**MOT**  
MARK E. FERRARIO, ESQ.  
Nevada Bar No. 01625  
KARA B. HENDRICKS, ESQ.  
Nevada Bar No. 07743  
JERRELL L. BERRIOS, ESQ.  
Nevada Bar No. 15504  
GREENBERG TRAURIG, LLP  
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Email: [ferrariom@gtlaw.com](mailto:ferrariom@gtlaw.com)  
[hendricksk@gtlaw.com](mailto:hendricksk@gtlaw.com)  
[berriosj@gtlaw.com](mailto:berriosj@gtlaw.com)

*Counsel for Petitioner*

**EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA**

SCOTT J. KIPPER, COMMISSIONER OF  
INSURANCE, STATE OF NEVADA,  
  
Petitioner,  
  
vs.  
  
FRIDAY HEALTH PLANS OF NEVADA, INC.,  
  
Defendant.

CASE NO. A-23-871639-C  
DEPARTMENT 18

**MOTION TO APPROVE RATES**

Petitioner, SCOTT J. KIPPER, COMMISSIONER OF INSURANCE, STATE OF NEVADA as Receiver (“Receiver”) for FRIDAY HEALTH PLANS OF NEVADA, INC. (“Friday Health”), by and through his counsel, the law firm of Greenberg Traurig, LLP, moves for an order approving, ratifying, and confirming Greenberg Traurig, LLP’s rates. Additionally, the Receiver moves for an order approving a procedure for paying invoices for such services in the future without pre-approval by the Court, with these paid invoices to be included alongside the statutorily required quarterly status reports.

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1 This motion is based on the papers and pleadings on file, the attached memorandum of  
2 points and authorities, and any oral argument the Court permits on this matter.

3 DATED this 12<sup>th</sup> day of July, 2023

GREENBERG TRAURIG, LLP

4 */s/ Kara B. Hendricks*

5 MARK E. FERRARIO, ESQ.

Nevada Bar No. 01625

6 KARA B. HENDRICKS, ESQ.

Nevada Bar No. 07743

7 JERRELL L. BERRIOS, ESQ.

Nevada Bar No. 15504

8 10845 Griffith Peak Drive, Suite 600

9 Las Vegas, Nevada 89135

10  
11 **MEMORANDUM OF POINTS AND AUTHORITIES**

12 **I. INTRODUCTION**

13 Due to the rapidly declining financial condition of Friday Health Plans of Nevada, Inc.  
14 (“Friday Health”), the Commissioner of Insurance petitioned this Court for an order appointing him  
15 as the Receiver of Friday Health to oversee Friday Health’s operations and conserve or rehabilitate  
16 it. On June 12, 2023, the Court entered its Order Granting Petition for Appointment of  
17 Commissioner as Receiver (the “Receivership Order”). Pursuant to NRS 696B.255(1) and  
18 NRS 696B.290(6), the Receiver retained Greenberg Traurig, LLP (“GT”) to assist the Receiver in  
19 the delinquency proceedings. Through this motion, the Receiver seeks approval of GT’s rates. The  
20 Receiver also seeking approval of a process to pay counsel as the case moves forward.

21 **II. RELEVANT BACKGROUND**

22 Friday Health is a Nevada-domiciled insurer offering life and health products and health  
23 insurance. In 2022, the Nevada Division of Insurance (“Division”) required Friday Health to infuse  
24 capital to increase its total capital and surplus. Despite the infusion, Friday Health’s financial filings  
25 with the Division suggested that its capital was insufficient, and it was in financial distress. The  
26 Commissioner of Insurance initiated delinquency proceedings with Friday Health’s consent due to  
27 concerns about Friday Health’s financial condition.

28 ///

1 The Court placed Friday Health into receivership for rehabilitation and appointed the  
2 Nevada Commissioner of Insurance as the Receiver on June 12, 2023. The Receiver appointed  
3 Ellingson & Associates, LLC as the Special Deputy Receiver (“SDR”) of Friday Health. Due to  
4 the nature of this proceeding and anticipated legal needs, the Receiver also appointed GT to assist  
5 with the Receiver and SDR with claims, asset recovery, and various legal consultation. As detailed  
6 below, GT has previous experience representing the Receiver in similar actions and has agreed to  
7 reduced rates for this matter.

## 8 **II. LEGAL ANALYSIS**

### 9 **A. Approval of Fees.**

10 NRS Chapter 696B is the statutory framework for receivership actions involving delinquent  
11 insurers. Under NRS 696B, the Receiver may employ counsel as the Receiver considers necessary.  
12 NRS 696B.255(1). The Receiver must fix the compensation for such counsel, to be paid from the  
13 insurer’s money or assets, subject to approval by the Court. *Id.* Further, the Receiver’s actions are  
14 subject to Court oversight, as the statutes require the Receiver to file reports on at least a quarterly  
15 basis. NRS 696B.290(7). The status reports must detail “the insurer’s affairs under the  
16 receivership” and “progress being made in accomplishing the objectives of the receivership.” *Id.*  
17 Such reports, and all actions detailed therein, are subject to the Court’s approval. *Id.*

18 The Receiver seeks the Court’s approval of GT’s proposed rates for legal services. The  
19 Receiver selected GT as counsel based on GT’s expertise, ability to adequately represent the  
20 Receiver in the duties and obligations under the Receivership Order, and the firm’s local contacts  
21 in Las Vegas and surrounding areas. GT is AV rated by Martindale Hubbell and has an excellent  
22 reputation in the legal community. *See* Declaration of Kara B. Hendricks, Esq. (“Hendricks Decl.”),  
23 ¶ 4, attached as **Exhibit 1**. Moreover, GT has extensive experience in all areas of litigation as well  
24 as in insurance receivership matters. *Id.* The Receiver anticipates lead counsel on this case being  
25 Kara B. Hendricks with attorney Jerrell Berrios primarily assisting. *Id.* at ¶ 5. GT also anticipates  
26 using paralegal services whenever possible to minimize costs and increase efficiency. *Id.* The bios  
27 of Mrs. Hendricks and Mr. Berrios are attached as **Exhibit 2**.

28 ///

1 Kara Hendricks is a shareholder in GT's Las Vegas office and has over twenty (20) years  
2 of experience litigating matters as well as working with companies to resolve disputes outside of  
3 the litigation context. **Ex. 1**, Hendricks Decl. at ¶ 6. Mrs. Hendricks is experienced representing  
4 receivers in insurance actions, representing businesses in all manners of contract disputes, litigating  
5 products liability matters, handling catastrophic injury cases, defending civil rights claims,  
6 litigating employment non-compete agreements, handling derivative suits, resolving property and  
7 construction defect disputes, assessing insurance coverage issues, and has represented receivers  
8 appointed to handle matters involving insolvent insurance companies. *Id.* Mrs. Hendricks currently  
9 serves as counsel for receivers appointed in several insurance insolvency matters and serves as  
10 counsel to the receiver in three pending actions brought by the Securities Exchange Commission.  
11 *Id.* at ¶ 7.

12 Jerrell Berrios is an associate in GT's Las Vegas office and practices in both state and federal  
13 courts in Nevada. *Id.* at ¶ 8. Before joining GT, Mr. Berrios served as a law clerk for the Honorable  
14 Jerome T. Tao at the Nevada Court of Appeals. Mr. Berrios has been practicing since 2020, with  
15 two years under the supervision of GT attorneys, and has experience handling large scale and  
16 complex litigation, including several insurance receiverships. *Id.* As shareholder, Mrs. Hendricks  
17 will oversee GT's role in this matter with Mr. Berrios handling the bulk of the research, drafting,  
18 and administrative work required. *Id.* at ¶ 9. Additionally, GT may use other attorneys and  
19 paralegals within the firm to the extent additional expertise or experience is needed. *Id.*

20 The Receiver negotiated and approved GT's rates at discounted flat rates. GT will provide  
21 legal services to the Receiver and SDR, as may be necessary, for claims, asset recovery, and other  
22 legal consultation services. GT's rates are as follows:

<b><u>Timekeeper:</u></b>	<b><u>Hourly Billing</u></b>
	<b><u>Rates:</u></b>
Mark E. Ferrario	\$575.00
Other Shareholders	\$510.00
Of Counsel	\$450.00
Associates	\$400.00
Paralegals	\$190.00

1 The rates above will result in a significant savings for the receivership estate. By way of  
2 example, Mrs. Hendricks will be the primary GT shareholder overseeing this matter.  
3 Mrs. Hendricks' current rate is \$610.00 an hour and will be billed at \$510.00 in this matter  
4 representing a significant savings to the receivership. *Id.* at ¶ 11. GT associate rates range from  
5 \$350.00 to \$540.00 an hour but will be billed at a flat rate of \$400.00 an hour. *Id.*

6 **B. Approval of Process for Payment Moving Forward.**

7 The Nevada Commissioner of Insurance, pursuant to NRS 696B.255(1), has approved GT's  
8 rates. The Receiver requests approval to approve and pay GT's invoices in the future without pre-  
9 approval by the Court, with those paid invoices to be submitted in the Receiver's quarterly status  
10 reports to the Court for in camera review.<sup>1</sup> Submitting such invoices with quarterly reports will  
11 allow this Court to monitor the status of legal work and is consistent with the approval process used  
12 in other receivership matters filed in the Eighth Judicial District Court, including Case No. A-15-  
13 725244-C, Department No. 1, Case No. A-19,787325-B, Department No. 27, and Case No. A-19-  
14 791409- C, Department No. 16.

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17 <sup>1</sup> Certain billings submitted to the Court are appropriate for *in-camera* review (as opposed to being  
18 made part of a public filing). The invoices and billing entries relating thereto should be considered  
19 privileged, confidential, or otherwise not subject to discovery. In this regard, courts have held that the bills  
20 of legal counsel and experts may be withheld from legal discovery and are not subject to legal disclosure, as  
21 this information may provide indications or context concerning potential litigation strategy and the nature of  
22 the expert services being provided. *See, e.g., Avnet, Inc. v. Avana Technologies Inc.*, No. 2:13-cv-00929-  
23 GMN-PAL, 2014 WL 6882345, at \*1 (D. Nev. Dec. 4, 2014) (finding that billing entries were privileged  
because they reveal a party's strategy and the nature of services provided); *Fed. Sav. & Loan Ins. Corp. v.*  
*Ferm*, 909 F.2d 372, 374-75 (9th Cir. 1990) (considering whether fee information revealed counsel's mental  
impressions concerning litigation strategy). Other courts addressing this issue recognized that the "attorney-  
client privilege embraces attorney time, records and statements to the extent that they reveal litigation  
strategy and the nature of the services provided." *Real v. Cont'l Grp., Inc.*, 116 F.R.D. 211, 213 (N.D. Cal.  
1986).

24 The *in-camera* review should apply not only to documentation concerning attorney's fees, but it also  
25 extends to "details of work revealed in [an] expert's work description [which] would relate to tasks for which  
26 she [or he] was compensated[.]" a situation which is "analogous to protecting attorney-client privileged  
27 information contained in counsel's bills describing work performed." *See DaVita Healthcare Partners, Inc.*  
*v. United States*, 128 Fed. Cl. 584, 592-93 (2016); *see also Chaudhry v. Gallerizzo*, 174 F.3d 394, 402 (4th  
28 Cir. 1999) (recognizing that "correspondence, bills, ledgers, statements, and time records which also reveal  
the motive of the client in seeking representation, litigation strategy, or the specific nature of the services  
provided, such as researching particular areas of law," are protected from disclosure) (quoting *Clarke v. Am.*  
*Commerce Nat'l Bank*, 974 F.2d 127, 129 (9th Cir. 1992)).

1 **III. CONCLUSION**

2 Based on the foregoing, the Receiver respectfully requests that this Court approve GT's  
3 rates. Additionally, the Receiver respectfully requests the ability to pay GT at the rates approved  
4 by the Court in the future without the need to file a separate motion seeking pre-approval of the  
5 same and instead including such information with the required quarterly status reports submitted to  
6 this Court.

7 DATED this 12<sup>th</sup> day of July, 2023

GREENBERG TRAURIG, LLP

8 */s/ Kara B. Hendricks*

9 

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MARK E. FERRARIO, ESQ.

Nevada Bar No. 01625

10 KARA B. HENDRICKS, ESQ.

Nevada Bar No. 07743

11 JERRELL L. BERRIOS, ESQ.

Nevada Bar No. 15504

12 10845 Griffith Peak Drive, Suite 600

13 Las Vegas, Nevada 89135

1 **CERTIFICATE OF SERVICE**

2 Pursuant to Nev. R. Civ. P. 5(b)(2)(D) and E.D.C.R. 8.05, I certify that on **this 12th day of**  
3 **July 2023**, I caused a true and correct copy of the foregoing **MOTION TO APPROVE RATES**  
4 to be filed with the Clerk of Court using the Odyssey e-FileNV Electronic Service system and  
5 served on all parties with an email address on record, pursuant to Administrative Order 14-2 and  
6 Rule 9 of the N.E.F.C.R.

7 On **July 12, 2023**, I served the within document(s):

8  via **FIRST CLASS MAIL.** by mailing a copy of the document(s) listed above to the  
9 person(s) at the e-mail address(es) set forth below.

10 Matthew Taylor  
11 Registered Agent  
12 701 S. Carson Street  
Suite 200  
Carson, City, Nevada 89701

13  
14  
15 /s/ Evelyn Escobar-Gaddi  
An employee of Greenberg Traurig, LLP

# **EXHIBIT 1**

# **EXHIBIT 1**

Declaration of Kara B. Hendricks



1 **DECL**  
2 MARK E. FERRARIO, ESQ.  
3 Nevada Bar No. 01625  
4 KARA B. HENDRICKS, ESQ.  
5 Nevada Bar No. 07743  
6 JERRELL L. BERRIOS, ESQ.  
7 Nevada Bar No. 15504  
8 GREENBERG TRAUIG, LLP  
9 10845 Griffith Peak Drive, Suite 600  
10 Las Vegas, Nevada 89135  
11 Telephone: 702.792.3773  
12 Facsimile: 702.792.9002  
13 Email: [ferrariom@gtlaw.com](mailto:ferrariom@gtlaw.com)  
14 [hendricksk@gtlaw.com](mailto:hendricksk@gtlaw.com)  
15 [berriosj@gtlaw.com](mailto:berriosj@gtlaw.com)

16 *Counsel for Petitioner*

17 **EIGHTH JUDICIAL DISTRICT COURT**  
18 **CLARK COUNTY, NEVADA**

19 SCOTT J. KIPPER, COMMISSIONER OF  
20 INSURANCE, STATE OF NEVADA,  
21  
22 Petitioner,  
23  
24 vs.  
25 FRIDAY HEALTH PLANS OF NEVADA, INC.,  
26  
27 Defendant.

Case No. A-2-871639-C  
Dept. No. 18

**DECLARATION OF KARA B.  
HENDRICKS, ESQ. IN SUPPORT OF  
MOTION TO APPROVE RATES**

28 I, Kara B. Hendricks, hereby declare as follows:

1. I am a duly licensed attorney authorized to practice law in Nevada. I am a shareholder with the law firm of Greenberg Traurig, LLP (“GT”) and am counsel for Scott J. Kipper, the Commissioner of Insurance for the State of Nevada, the Court-appointed receiver (“Receiver”) of Friday Health Plans of Nevada, Inc. (“Friday Health”).

2. I make this declaration in support of the Receiver’s Motion to Approve Rates (the “Motion”).

3. I have personal knowledge of the following facts and am competent to testify thereto if necessary.

1           4.       GT is AV rated by Martindale Hubbell and has an excellent reputation in the legal  
2 community. Moreover, GT has extensive experience in all areas of litigation as well as in  
3 receivership matters that have similar issues.

4           5.       I anticipate being lead counsel on this case with attorney Jerrell L. Berrios primarily  
5 assisting. GT also anticipates using paralegal services whenever possible to minimize costs and  
6 increase efficiency. True and correct copies of the bios of myself and Mr. Berrios are attached to  
7 the Motion as **Exhibit B**.

8           6.       I have over 20 years of experience litigating matters as well as working with  
9 companies to resolve disputes outside of the litigation context. I am experienced representing  
10 businesses in all manners of contract disputes, litigating products liability matters, handling  
11 catastrophic injury cases, defending civil rights claims, litigating employment non-compete  
12 agreements, handling derivative suits, resolving property and construction defect disputes,  
13 assessing insurance coverage issues, and have represented receivers appointed to handle matters  
14 involving insolvent insurance companies as well as SEC actions.

15           7.       I currently serve as counsel for receivers appointed in several insurance insolvency  
16 matters and serve as counsel to the receiver in three pending actions brought by the Securities  
17 Exchange Commission.

18           8.       Jerrell Berrios is an associate in GT's Las Vegas office and regularly practices in  
19 both state and federal courts in Nevada. Before joining GT, Mr. Berrios served as a law clerk for  
20 the Honorable Judge Jerome T. Tao at the Nevada Court of Appeals. Mr. Berrios has been  
21 practicing since 2020, with two years under the supervision of GT attorneys, and has experience  
22 handling large scale and complex litigation, including several insurance receiverships.

23           9.       I will oversee GT's role in this matter with Mr. Berrios handling the bulk of the  
24 research, drafting, and administrative work required. Additionally, GT may use other attorneys  
25 and paralegals within the firm to the extent additional expertise or experience is needed.

26           10.      GT agreed to discounted flat rates, thus benefitting the receivership estate. GT  
27 proposes the following rates for the legal professionals involved in this case:

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<u>Timekeeper:</u>	<u>Hourly Billing Rates:</u>
Mark E. Ferrario	\$575.00
Other Shareholders	\$510.00
Of Counsel	\$450.00
Associates	\$400.00
Paralegals	\$190.00

11. The above-described staffing arrangement is expected to maximize efficiency and minimize costs to the receivership estate and reflects an effective utilization of available resources. For example, Mrs. Hendricks' current rate is \$610.00 an hour but will be billed at \$510.00, representing a significant savings to the receivership. GT associate rates range from \$350.00 to \$540.00 an hour but will be at a flat rate of \$400.00 an hour.

12. GT endeavors to use the person with the lowest billing rate appropriate for the task to minimize professional expenses to the receivership estate and understands and agrees that payment of fees and reimbursement of expenses will be subject to Court approval.

I declare under penalty of perjury under the laws of the United States of America and the State of Nevada that the foregoing is true and correct.

DATED this 12th day of July, 2023.

/s/ Kara B. Hendricks  
KARA B. HENDRICKS, ESQ.  
Declarant

# **EXHIBIT 2**

# **EXHIBIT 2**

Attorney Biographies



**Kara B. Hendricks**

SHAREHOLDER

hendricksk@gtlaw.com

LAS VEGAS  
D +1 702.938.6856  
T +1 702.792.3773

Kara B. Hendricks has a broad range of experience in litigating matters as well as working with companies to resolve disputes outside of the litigation context. Kara is experienced representing businesses in all manners of contract disputes, litigating products liability matters, handling catastrophic injury cases, defending civil rights claims, litigating employment non-compete agreements, handling derivative suits, resolving property and construction defect disputes, assessing insurance coverage issues, and representing clients in adversary proceedings within the U.S. Bankruptcy Court. She also counsels charter schools and insurance clients regarding statutory and administrative issues and represents such clients in proceedings before Nevada regulatory bodies.

Prior to joining the firm, Kara served as General Counsel with the Nevada Insurance Guaranty Association. She also had a career in broadcast journalism.

## Concentrations

- Complex commercial litigation
- Education
- Product liability litigation
- Insurance recovery and advisory
- Nevada administrative matters

## Capabilities

[Litigation](#) | [Education](#) | [Rail & Transit](#)

## Recognition & Leadership

### Awards & Accolades

- Listed, *The Best Lawyers in America*, Commercial Litigation, 2021-2023
- Listed, Vegas Inc., "Top Lawyers," 2021
- Received letter of appreciation from the Federal Supreme Court of Ethiopia for providing pro bono work to the Child Justice Project Office ("CJPO")
- Listed, *Nevada Business* magazine, "Legal Elite," 2012 and 2016

## Professional & Community Involvement

- Member, Clark County Bar Association
- Advisory Board Member, Special Olympics of Nevada
- Member, National Conference of Insurance Guaranty Funds, Litigation Committee
- Member, Charter School Association of Nevada

## Credentials

### Education

- J.D., University of Nevada, Las Vegas  
William S. Boyd School of Law, 2001
- Founding Member, Society of Advocates
- Second Place Finisher, National ABA Negotiation Competition, 2001
- B.S., Communications, Southern Utah University, 1993
- Broadcasting and Public Relations

### Admissions

- Nevada
- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court for the District of Nevada

## Clerkships

- Hon. James Mahan, U.S. District Court for the District of Nevada

## News, Insights & Events

June 28, 2021 PRESS RELEASE

### **Eight Greenberg Traurig Attorneys are Among Vegas Inc's Top Lawyers**

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April 09, 2020 PRESS RELEASE

### **Greenberg Traurigs Kara Hendricks Appointed to Advisory Board of Special Olympics of Nevada**

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Jerrell Berrios is a litigator who represents businesses and individuals in a variety of complex civil litigation matters, including gaming and resorts, financial services, medical malpractice defense, administrative disputes and regulatory compliance, insurance receivership actions, trade secrets, unfair competition, and general commercial disputes.

## Capabilities

### Litigation

## Experience

### Representative Matters

- Represented hospital against a high-stakes medical malpractice claim. Authored primary argument of a Writ for Mandamus and Prohibition to the Nevada Supreme Court that resulted in a reversal and a reassignment of the district court judge, eventually leading to a settlement for the client.
- Represented an individual from Bogota Colombia who was sued in Nevada. Authored brief and successfully argued a motion to dismiss for lack of personal jurisdiction on behalf of the client.
- Represented a real estate company in a lawsuit against a competitor. Obtained a preliminary injunction against the business competitor to prevent it from intentionally interfering with the client's contractual relationships.
- Represented a large African Agri-Fintech company. Successfully opposed a preliminary injunction request to prevent the client from merging with another company.

### Internship

- Judicial Intern, Hon. Adriana Escobar, Eighth Judicial District Court of Nevada

## Recognition & Leadership

### Awards & Accolades

- Listed, *Super Lawyers* magazine, *Mountain States Super Lawyers*, "Rising Stars," 2023

## Professional & Community Involvement

Member, State Bar of Nevada

- Member, Litigation Section
- Mentor, Huellas Mentorship Program

## Credentials

### Education

J.D., *cum laude*, University of Nevada, Las Vegas William S. Boyd School of Law

- Editor-in-Chief, *UNLV Gaming Law Journal*
- Member, Society of Advocates Moot Court Team
- Recipient, Dean's Award
- Recipient, Scribes Award, American Society of Legal Writers
- B.A., University of Nevada, Las Vegas

### Admissions

- Nevada

## Clerkships

- Hon. Jerome T. Tao, Nevada Court of Appeals

## News, Insights & Events

September 27, 2021 PRESS RELEASE

### Greenberg Traurig Expands Las Vegas Litigation and Corporate Practices

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