

No. 24A734

IN THE

*Supreme Court of the United States*

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SIERRA HEALTH AND LIFE INSURANCE COMPANY, INC.,

*Applicant,*

v.

SANDRA L. ESKEW, AS SPECIAL ADMINISTRATOR OF THE  
ESTATE OF WILLIAM GEORGE ESKEW,

*Respondent.*

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**APPLICATION FOR A FURTHER EXTENSION OF TIME  
WITHIN WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI  
TO THE SUPREME COURT OF NEVADA**

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TO THE HONORABLE ELENA KAGAN, JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT:

Under this Court’s Rule 13.5, applicant Sierra Health and Life Insurance Company, Inc. (“SHL”) respectfully requests a 30-day extension of time, to and including April 11, 2025, within which to file a petition for a writ of certiorari to review the judgment of the Supreme Court of Nevada.\* The Nevada Supreme Court entered its judgment on August 5, 2024, App. 1a, and denied SHL’s timely petition for rehearing on November 12, 2024, App. 11a. On January 27, 2025, Your Honor granted SHL a 30-day extension from the original due date of February 10, 2025, to March 12, 2025. The jurisdiction of this Court would be invoked under 28 U.S.C. § 1257(a).

1. As detailed in SHL’s original application for an extension of time, this insurance coverage dispute presents an important question of law about the due process limits on punitive damages that has divided the federal courts of appeals and state supreme courts. See Application for an Extension of Time at 1-4. The Due Process Clause prohibits “grossly excessive” punitive damages awards, which “furthe[r] no legitimate purpose and constitut[e] an arbitrary deprivation of property,” and requires that “a person receive fair notice not only of the conduct that will subject him to punishment, but also of the severity of the penalty that a State may impose.” *BMW of North America, Inc. v. Gore*, 517 U.S. 559, 562, 568, 574 (1996);

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\* Under this Court’s Rule 29.6, applicant states that Sierra Health and Life Insurance Company, Inc. is a Nevada corporation. It is a subsidiary of United HealthCare Services, Inc., which is in turn a subsidiary of UnitedHealth Group Incorporated. No other publicly held corporation owns 10% or more of Sierra Health and Life Insurance Company, Inc., United HealthCare Services, Inc., or UnitedHealth Group Incorporated.

*State Farm Mutual Automobile Insurance Co. v. Campbell*, 538 U.S. 408, 417 (2003). This Court has recognized “[t]hree guideposts” to structure the due process inquiry: the “degree of reprehensibility of the defendant’s conduct”; the “ratio between harm, or potential harm, to the plaintiff and the punitive damages award”; and “civil penalties authorized or imposed in comparable cases.” *Gore*, 517 U.S. at 574-576; *State Farm*, 538 U.S. at 424.

After a jury held SHL liable for bad-faith denial of coverage, it awarded respondent \$160 million in punitive damages—more than eight times the largest punitive award ever upheld in Nevada history—on top of \$40 million in compensatory damages. The Nevada Supreme Court upheld the award of punitive damages, holding that it did not “violat[e] [SHL’s] constitutional right to due process” because “SHL had ample notice that it could be subject to such a punishment” based on a Nevada statute “exempting insurance bad faith claims from [Nevada’s] statutory limit on the punitive-to-compensatory damages ratio.” App. 8a n.2. Because SHL supposedly had “fair notice” based on this state statute alone, App. 8a n.2, the Nevada Supreme Court did not apply the *Gore/State Farm* guideposts. Two Justices dissented, urging that the majority had “serious[ly]” erred, and that the punitive damages award was “excessive and should have been substantially remitted.” App. 9a (citing *State Farm*, 538 U.S. at 416-418). The court summarily denied rehearing. App. 11a.

2. The Nevada Supreme Court’s decision warrants this Court’s review. As explained in SHL’s first application for an extension of time, the decision deepens an entrenched circuit split on whether and how the *Gore/State Farm* framework applies

to a punitive damages award when a statute purportedly authorizes the award. See Application for an Extension of Time at 4-7.

3. Good cause exists for a further 30-day extension of time to file a petition for a writ of certiorari. Between now and the current due date of the petition, undersigned counsel faces substantial briefing and argument obligations, including an argument scheduled for March 4 in the U.S. Court of Appeals for the Federal Circuit, a reply brief in support of a petition for certiorari in this Court, and an opposition to a motion to dismiss in the Western District of Michigan. A modest additional extension of time would enable SHL to prepare a petition that fully addresses the important and far-reaching issues raised by the decision below and frames those issues in a manner that will be most helpful to the Court. Moreover, SHL is not aware of any prejudice that would result from an extension. The requested extension is unlikely to affect the Term in which this Court would hear oral argument and issue its opinion if the petition were granted.

## CONCLUSION

For the foregoing reasons, SHL respectfully requests that the time within which to file a petition for a writ of certiorari be extended by 30 days, to and including April 11, 2025.

Respectfully submitted.

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February 18, 2025