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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA, NORTHERN DIVISION**

MISSION HEALTHCARE SERVICES,
 LLC, a California limited liability company;
 and HEALTHY LIVING AT HOME -
 CARSON CITY, LLC, a Nevada Limited
 Liability Company,

Plaintiffs,

v.

BATTLE BORN HOME HEALTH, LLC, a
 Nevada limited liability company; JESSICA
 CONNANT (CRISP), an individual;
 ANGEL VASQUEZ BARNES, an
 individual; and JOSEPH BARNES, an
 individual,

Defendants.

Case No.:

COMPLAINT

Plaintiffs Mission Healthcare Services, LLC (“MHS”), and Healthy Living at Home –
 Carson City, LLC (“HLH Carson City”) (collectively “Mission”), by and through their
 undersigned counsel, HOLLAND & HART LLP, file this Complaint for injunctive relief and
 damages against Defendants, Jessica (Crisp) Conant (“Crisp”), Angel Vasquez Barnes (“A.
 Barnes”), and Joseph Barnes (“J. Barnes”), (collectively the “Employee Defendants”), and
 Battle Born Home Health, LLC (“Battle Born”) (Battle Born and the Employee Defendants are
 collectively referred to herein as the “Defendants”) and hereby allege as follows:

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PARTIES

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2 1. MHS is a California limited liability company with its principal place of business
3 in San Diego, California.

4 2. HLH Carson City is a Nevada limited liability company with its principal place of
5 business in Carson City, Nevada.

6 3. MHS and HLH Carson City transact business, provide home health care services
7 in, and have employees Carson City Nevada, in addition to other locations across the United
8 States.

9 4. Upon information and belief, Battle Born is a Nevada limited liability company
10 with its principal place of business located at 307 West Winnie Lane, # 5, Carson City, NV,
11 89703. Battle Born transacts business, provides home health care services, and has, and/or is
12 preparing to have employees in Carson City, NV.

13 5. Upon information and belief, Crisp is an individual residing in Carson City,
14 Nevada, and is a former employee of Mission who is now employed by and performs services
15 for Battle Born and/or has an ownership or equity interest therein.

16 6. Upon information and belief, A. Barnes is an individual residing in Reno, Nevada,
17 and is a former employee of Mission who is now employed by and performs services for Battle
18 Born and/or has an ownership or equity interest therein.

19 7. Upon information and belief, J. Barnes is an individual residing in Reno, Nevada,
20 and is a former employee of Mission who is now employed by and performs services for Battle
21 Born and/or has an ownership or equity interest therein.

JURISDICTION AND VENUE

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23 8. This Court has jurisdiction over this action based upon 28 U.S.C. § 1331.

24 9. Defendants are subject to the personal jurisdiction of this Court because they
25 reside and operate businesses in the state of Nevada, and because they have transacted and are
26 currently transacting business in the state of Nevada, which gives rise to their liability to
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1 Plaintiffs.

2 10. Venue is proper in the United States District Court for the District of Nevada
3 pursuant to 28 U.S.C. 1391(a), because Nevada is the state in which Defendants reside and
4 where a substantial part of the events or omissions giving rise to the claims occurred.

5 **FACTUAL BACKGROUND**

6 ***A. Mission and the Home Health and Hospice Industry***

7 11. HLH Carson City has provided personalized, life-changing home health and
8 hospice services in Nevada for many years.

9 12. In 2021, Mission Healthcare Services, Inc., acquired HLH Carson City.

10 13. When Mission Healthcare Services, Inc. acquired HLH Carson City, all the HLH
11 Carson City assets, liabilities, contracts, including without limitation contracts with its
12 employees, were assigned to MHS and related entities.

13 14. Mission provides custom and personalized home health and hospice services
14 throughout several western states including Arizona, California, Idaho, Nevada, Oregon,
15 Washington, and Utah. Mission's platform in Utah includes skilled nursing services, physical
16 therapy, occupational therapy, speech therapy, home health aides, medical social workers, end
17 of life, and hospice care (the "Business").

18 15. Mission employs a team of talented and caring health care professionals dedicated
19 to serving patients with the appropriate combination of clinical skill and personal care. Mission
20 has expended considerable time and resources identifying, recruiting, hiring, and training these
21 professionals.

22 16. Mission operates the Business in an extremely competitive environment with a
23 number of national, regional, and local home health and hospice service companies within their
24 footprint vying for the opportunity to serve the same patient population.

25 17. Mission has long-standing relationships with many referral sources, including but
26 not limited to physicians, hospitals, skilled nursing and care facilities ("Referral Sources"), and
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1 has expended substantial money and time in developing and maintaining those relationships.

2 18. In an effort to gain and maintain a competitive advantage, Mission expends
3 substantial time, effort, and resources developing, maintaining, and creating, among other
4 things: (i) institutional knowledge, processes, documentation, and know-how in both clinical
5 services and marketing as well as confidential and proprietary information pertaining to its
6 Referral Sources and its employees (collectively the “Business Information”); (ii) trade secrets,
7 including techniques, strategies, and information about its Referral Sources, employees, and
8 patients (the “Trade Secrets”); and (iii) relationships with employees, communities, Referral
9 Sources, and third party vendors.

10 19. Mission’s Business requires that certain employees receive information, including
11 without limitation, Business Information and/or Trade Secrets, related to its Business,
12 employees, and Referral Sources for the purpose of continuing to build the Mission brand,
13 advertising, and obtaining and retaining Referral Sources, patients, and employees.

14 20. The process of developing a team of health care professionals, community
15 partners, Referral Sources, and patients in this industry is lengthy, difficult, and expensive and
16 requires Mission and its competitors to develop and maintain close personal relationships with
17 Referral Sources, patients, and employees. In addition, Mission must have obtained a competitive
18 advantage over competitors by having a clear understanding of each Referral Source, patient,
19 and employee’s needs and preferences, and developing and employing the most efficient and
20 effective way to meet or exceed those needs. Such an understanding can only be developed
21 through years of gathering information, developing relationships, and delivering service
22 consistent with the unique needs of the patients and within the specifications of the Referral
23 Sources. It would take a startup competitor many years to catch up with Mission.

24 21. Mission operates in an extremely competitive industry in which its competitors,
25 including Battle Born, would greatly benefit from obtaining Mission’s Confidential
26 Information. Accordingly, Mission takes care to safeguard and protect its Confidential
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1 Information from disclosure or use by others.

2 ***B. Battle Born's Operation in the Home Health and Hospice Market.***

3 22. While it would typically take a long period of time and significant resources to
4 build a home health company from scratch, the Employee Defendants together devised a
5 scheme at least by November 2021 in which they planned to and did instantly launch a profitable
6 home health company by improperly acquiring Mission's business, assets, and resources
7 (including its employees) without having to pay for it.

8 23. The Employee Defendants' scheme was to form Battle Born while they were still
9 employed and being paid by Mission. On information and belief, to this end, while they were
10 waiting for the needed licensing and approvals to be obtained before Battle Born could be
11 operational and take patients, they began siphoning off Mission's Confidential Business
12 Information and Trade Secrets and soliciting Mission's employees to leave Mission and work
13 for Battle Born the moment it could open its doors.

14 24. On information and belief, in breach of their fiduciary duties and duty of loyalty
15 to Mission, each of the Employee Defendants accepted employment with and for Battle Born
16 and began serving Battle Born's interests (not Mission's) while still employed by and receiving
17 compensation from Mission.

18 25. In other words, while the Employee Defendants were employed by and receiving
19 compensation from Mission, and in direct breach of their several obligations to Mission, the
20 Employee Defendants recruited Mission's employees and contractors, including each other, for
21 Battle Born, even using Mission's resources to do so.

22 26. Also contrary to their duties, the Employee Defendants spoke ill of Mission and
23 discouraged employees and contractors from continuing employment with Mission.

24 27. When a Mission employee expressed a willingness to work for Battle Born, he or
25 she was instructed by the Employee Defendants to continue to take a paycheck from Mission
26 until it was time for Battle Born to launch. This way, Mission was funding the scheme, and the
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