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 4 LEWIS BRISBOIS BISGAARD & SMITH LLP
 6385 S. Rainbow Boulevard, Suite 600
 5 Las Vegas, Nevada 89118
 702.893.3383
 6 FAX: 702.893.3789
Attorneys for Defendants
 7 *Scottsdale Indemnity Company*

8
 9 **UNITED STATES DISTRICT COURT**
 10 **DISTRICT OF NEVADA**

11 CENTEX HOMES, a Nevada general
 12 partnership,

13 Plaintiff,

14 vs.

CASE NO. 2:19-cv-01034-JCM-DJA

**STIPULATION AND ORDER FOR
 DISMISSAL OF ALL CLAIMS AGAINST
 SCOTTSDALE INSURANCE COMPANY**

15 FINANCIAL PACIFIC INSURANCE
 COMPANY, a California corporation; FIRST
 16 SPECIALTY INSURANCE
 CORPORATION, a Missouri corporation
 17 GREENWICH INSURANCE COMPANY, a
 Connecticut corporation; INTERSTATE FIRE
 18 & CASUALTY COMPANY, an Illinois
 corporation; LEXINGTON INSURANCE
 19 COMPANY, a Delaware corporation;
 NAVIGATORS SPECIALTY INSURANCE
 20 COMPANY, a New York corporation;
 SCOTTSDALE INDEMNITY COMPANY,
 21 an Ohio corporation; ST. PAUL FIRE &
 MARINE INSURANCE COMPANY a
 22 Connecticut corporation; NATIONAL FIRE &
 MARINE INSURANCE COMPANY, a
 23 Nebraska corporation; IRONSHORE
 SPECIALTY INSURANCE COMPANY, an
 24 Arizona corporation; and ZURICH
 AMERICAN INSURANCE COMPANY, a
 25 New York corporation,

26 Defendants.

Archived: Thursday, December 10, 2020 8:57:16 AM
From: [O'Briant, Priscilla](#)
Sent: Wednesday, December 9, 2020 8:04:38 PM
To: [Cordell, Anne](#)
Subject: FW: Centex - Carlan/Maples -- Scottsdale Insurance Company
Response requested: No
Sensitivity: Normal

Please proceed with filing. Sorry if I missed it.

Priscilla L. O'Briant
Partner
Las Vegas Rainbow
702.693.4388 or x7024388

From: Sarah J. O'dia <sjo@paynefears.com>
Sent: Tuesday, December 8, 2020 7:49 PM
To: O'Briant, Priscilla <Priscilla.Obriant@lewisbrisbois.com>
Cc: Freeman, Kristen <Kristen.Freeman@lewisbrisbois.com>; Cordell, Anne <Anne.Cordell@lewisbrisbois.com>; Tiffani Engstrom <TENGSTROM@paynefears.com>
Subject: [EXT] RE: Centex - Carlan/Maples -- Scottsdale Insurance Company

No problem. This looks good. You can file it. Thanks.

Sarah J. O'dia
Partner



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Direct 702.851.0303 • Main 702.851.0300 • Fax 702.851.0315
www.paynefears.com • email: sjo@paynefears.com

From: O'Briant, Priscilla <Priscilla.Obriant@lewisbrisbois.com>
Sent: Tuesday, December 8, 2020 4:17 PM
To: Sarah J. O'dia <sjo@paynefears.com>
Cc: Freeman, Kristen <Kristen.Freeman@lewisbrisbois.com>; Cordell, Anne <Anne.Cordell@lewisbrisbois.com>; Tiffani Engstrom <TENGSTROM@paynefears.com>
Subject: RE: Centex - Carlan/Maples -- Scottsdale Insurance Company

Yes, it's exactly that kind of afternoon! See attached.

Priscilla L. O'Briant
Partner



Priscilla.Obriant@lewisbrisbois.com

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From: Sarah J. Odia <sjo@paynefears.com>

Sent: Tuesday, December 8, 2020 3:36 PM

To: O'Briant, Priscilla <Priscilla.Obriant@lewisbrisbois.com>

Cc: Freeman, Kristen <Kristen.Freeman@lewisbrisbois.com>; Cordell, Anne <Anne.Cordell@lewisbrisbois.com>; Tiffani Engstrom <TENGSTROM@paynefears.com>

Subject: [EXT] RE: Centex - Carlan/Maples -- Scottsdale Insurance Company

Hi Priscilla,

We did receive it. Can you send me the stipulation? It wasn't attached to your email.

Sarah J. Odia

Partner



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From: O'Briant, Priscilla <Priscilla.Obriant@lewisbrisbois.com>

Sent: Tuesday, December 8, 2020 2:58 PM

To: Sarah J. Odia <sjo@paynefears.com>

Cc: Freeman, Kristen <Kristen.Freeman@lewisbrisbois.com>; Cordell, Anne <Anne.Cordell@lewisbrisbois.com>; Tiffani Engstrom <TENGSTROM@paynefears.com>

Subject: RE: Centex - Carlan/Maples -- Scottsdale Insurance Company

Sara – we send the settlement check overnight for delivery on October 21, 2020 to the address noted below. We were waiting for delivery confirmation to send the proposed SAO but did not receive. However, since we have not heard from you, I believe it was likely received. If not, please let me know.

If it was, please provide your authorization to file the attached stipulation and order with your electronic signature. Thank you.

Payne & Fears

Jamboree Center

4 Park Plaza, Suite 1100

Irvine, CA 92614
Attn: Scott S. Thomas
Phone: (949) 851-1100



Priscilla L. O'Briant
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Priscilla.Obriant@lewisbrisbois.com
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From: Sarah J. Odia <sjo@paynefears.com>
Sent: Monday, October 19, 2020 1:36 PM
To: O'Briant, Priscilla <Priscilla.Obriant@lewisbrisbois.com>
Cc: Freeman, Kristen <Kristen.Freeman@lewisbrisbois.com>; Cordell, Anne <Anne.Cordell@lewisbrisbois.com>; Tiffani Engstrom <TENGSTROM@paynefears.com>
Subject: [EXT] RE: Centex - Carlan/Maples -- Scottsdale Insurance Company

Yes. The information you have is correct. Thank you.

Sarah J. Odia
Partner



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From: O'Briant, Priscilla <Priscilla.Obriant@lewisbrisbois.com>
Sent: Monday, October 19, 2020 1:32 PM
To: Sarah J. Odia <sjo@paynefears.com>
Cc: Freeman, Kristen <Kristen.Freeman@lewisbrisbois.com>; Cordell, Anne <Anne.Cordell@lewisbrisbois.com>; Tiffani Engstrom <TENGSTROM@paynefears.com>
Subject: RE: Centex - Carlan/Maples -- Scottsdale Insurance Company

Sarah – please confirm the information below is correct to send the check. Additionally, can you let me know when it is received and I'll provide the stipulation for dismissal. Thank you.

Payne & Fears
Jamboree Center
4 Park Plaza, Suite 1100
Irvine, CA 92614
Attn: Scott S. Thomas

From: Sarah J. Odia <sjo@paynefears.com>
Sent: Monday, October 19, 2020 1:05 PM
To: O'Briant, Priscilla <Priscilla.Obriant@lewisbrisbois.com>
Cc: Freeman, Kristen <Kristen.Freeman@lewisbrisbois.com>; Cordell, Anne <Anne.Cordell@lewisbrisbois.com>; Tiffani Engstrom <TENGSTROM@paynefears.com>
Subject: [EXT] RE: Centex - Carlan/Maples -- Scottsdale Insurance Company

Priscilla,

Centex's signature to the settlement agreement is attached.

Sarah J. Odia
Partner



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Direct 702.851.0303 • Main 702.851.0300 • Fax 702.851.0315
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From: O'Briant, Priscilla <Priscilla.Obriant@lewisbrisbois.com>
Sent: Friday, October 9, 2020 8:56 AM
To: Sarah J. Odia <sjo@paynefears.com>
Cc: Hilary A. Williams <HAW@paynefears.com>; Erica Bennett-Mendoza <ebennettmendoza@paynefears.com>; Freeman, Kristen <Kristen.Freeman@lewisbrisbois.com>; Cordell, Anne <Anne.Cordell@lewisbrisbois.com>
Subject: RE: Centex - Carlan/Maples -- Scottsdale Insurance Company

Thank you.

From: Sarah J. Odia <sjo@paynefears.com>
Sent: Thursday, October 8, 2020 7:17 PM
To: O'Briant, Priscilla <Priscilla.Obriant@lewisbrisbois.com>
Cc: Hilary A. Williams <HAW@paynefears.com>; Erica Bennett-Mendoza <ebennettmendoza@paynefears.com>; Freeman, Kristen <Kristen.Freeman@lewisbrisbois.com>; Cordell, Anne <Anne.Cordell@lewisbrisbois.com>
Subject: [EXT] RE: Centex - Carlan/Maples -- Scottsdale Insurance Company

Hi Priscilla,

These changes are fine. I'll accept them and send this to Centex for signature.

Sarah J. Odia

Partner



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Direct 702.851.0303 • Main 702.851.0300 • Fax 702.851.0315
www.paynefears.com • email: sjo@paynefears.com

From: O'Briant, Priscilla <Priscilla.Obriant@lewisbrisbois.com>

Sent: Wednesday, October 7, 2020 6:32 PM

To: Sarah J. Odia <sjo@paynefears.com>

Cc: Hilary A. Williams <HAW@paynefears.com>; Erica Bennett-Mendoza <ebennettmendoza@paynefears.com>; Freeman, Kristen <Kristen.Freeman@lewisbrisbois.com>; Cordell, Anne <Anne.Cordell@lewisbrisbois.com>

Subject: FW: Centex - Carlan/Maples -- Scottsdale Insurance Company

Sarah – the Court granted our motion for good faith settlement. Attached please find the proposed release with minor redlines. We are in receipt of the settlement check so once this is finalized can mail to the appropriate address.

From: O'Briant, Priscilla

Sent: Wednesday, July 29, 2020 3:47 PM

To: 'Sarah J. Odia' <sjo@paynefears.com>

Cc: Hilary A. Williams <haw@paynefears.com>; Erica Bennett-Mendoza <ebennettmendoza@paynefears.com>; Freeman, Kristen <Kristen.Freeman@lewisbrisbois.com>; Cordell, Anne <Anne.Cordell@lewisbrisbois.com>

Subject: RE: Centex - Carlan/Maples -- Scottsdale Insurance Company

Sarah – attached hereto please find the release with minor redlines. Also, my client jumped the gun slightly and sent the settlement check to our office. Please advise how you would like to address in the release. Thank you.

From: Sarah J. Odia [<mailto:sjo@paynefears.com>]

Sent: Tuesday, July 21, 2020 3:41 PM

To: O'Briant, Priscilla

Cc: Hilary A. Williams; Erica Bennett-Mendoza; Freeman, Kristen; Cordell, Anne

Subject: [EXT] RE: Centex - Carlan/Maples -- Scottsdale Insurance Company

Priscilla,

Thank you for the update.

Sarah J. Odia

Partner



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From: O'Briant, Priscilla

Sent: Tuesday, July 21, 2020 3:40 PM

To: Sarah J. Odia
Cc: Hilary A. Williams ; Erica Bennett-Mendoza ; Freeman, Kristen ; Cordell, Anne
Subject: RE: Centex - Carlan/Maples -- Scottsdale Insurance Company

Sarah, I have reviewed and provided to my client for approval. She is out today, returning tomorrow, and I expect I can have the final release back to you before end of week.

As you have probably seen, we filed the motion for determination of good faith settlement today. If no one opposes, I will file a notice of non-opposition and a proposed order on August 4, 2020.

As the settlement is contingent on this, I don't see how we can proceed with execution and payment until the order is signed

However, I will ensure that the release is approved and my client has all necessary information to issue payment at that time.

Thank you.

From: Sarah J. Odia [<mailto:sjo@paynefears.com>]
Sent: Tuesday, July 21, 2020 1:33 PM
To: O'Briant, Priscilla
Cc: Hilary A. Williams; Erica Bennett-Mendoza
Subject: [EXT] RE: Centex - Carlan/Maples -- Scottsdale Insurance Company

Priscilla,

Attached is a draft settlement agreement between Centex and Scottsdale. Please let me know as soon as possible whether you have any changes.

Sarah J. Odia
Partner



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From: O'Briant, Priscilla <Priscilla.Obriant@lewisbrisbois.com>
Sent: Tuesday, July 7, 2020 9:50 AM
To: Sarah J. Odia <sjo@paynefears.com>
Cc: Hilary A. Williams <haw@paynefears.com>
Subject: RE: Centex - Carlan/Maples -- Scottsdale Insurance Company

Sarah – the concern is that any of the other insurers could argue that we owe them contribution based on the co-equal duty to defend by all insurers. I am happy to reconsider if you know of any law that says this is not the case. I am pretty sure the Court will grant the motion once my client makes the required showing.



Priscilla L. O'Briant
Partner
Priscilla.Obriant@lewisbrisbois.com
T: 702.693.4388 F: 702.893.3789

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From: Sarah J. Odia [<mailto:sjo@paynefears.com>]
Sent: Tuesday, July 7, 2020 9:29 AM
To: O'Briant, Priscilla
Cc: Hilary A. Williams
Subject: [EXT] RE: Centex - Carlan/Maples -- Scottsdale Insurance Company

External Email

Priscilla,

Would you like our office to draft the settlement agreement? I'm not sure whether the court will grant a good faith settlement motion. Don't good faith settlements bar claim by joint tortfeasors only?

Sarah J. Odia
Partner



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From: ed ostermediation.com <ed@ostermediation.com>
Sent: Monday, July 6, 2020 6:02 PM
To: Sarah J. Odia <sjo@paynefears.com>; Priscilla L. O'Briant Esq. <priscilla.obriant@lewisbrisbois.com>
Subject: Centex - Carlan/Maples -- Scottsdale Insurance Company

Priscilla and Sarah,

This will confirm that your clients have agreed to settle this matter for \$45,000. The only condition is that the settlement receive approval from the court by way of a good faith determination or comparable disposition acceptable to the parties.

It has been a pleasure working with both of you on this matter. I very much appreciate the efforts you contributed to this result.

Best regards, Ed



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