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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

In re:
EB HOLDINGS II, INC.,

Debtor.

EB HOLDINGS II, INC. and QXH II, INC.,

Plaintiffs,

v.

ILLINOIS NATIONAL INSURANCE
COMPANY, CONTINENTAL
CASUALTY COMPANY, FEDERAL
INSURANCE COMPANY, BEAZLEY
INSURANCE COMPANY, INC., AXIS
INSURANCE COMPANY, ACE
AMERICAN INSURANCE COMPANY,
IRONSHORE INDEMNITY INC.,
FREEDOM SPECIALTY INSURANCE
COMPANY, ARCH INSURANCE
COMPANY and ASPEN SPECIALTY
INSURANCE COMPANY,

Defendants.

Chapter 11
Case No.: BK-S-19-16364-MKN
Adv. Pro. No. 20-01010-MKN

Case No. 2:20-cv-000564-RFB-DJA

**STIPULATED ORDER WITHDRAWING
PENDING MOTION AND CLOSING
CASE**

1 IT IS HEREBY STIPULATED and AGREED, by and between Plaintiffs EB Holdings II,
2 Inc. (“EBH”), by and through its counsel, the law firm of Garman Turner Gordon LLP, QXH II,
3 Inc. (“QXH II,” and together with EBH, the “Plaintiffs”), by and through its counsel, the law firms
4 of K&L Gates LLP and Ghandi Deeter Blackham, and Arch Insurance Company (“Arch”), by and
5 through its counsel, the law firm of Foley & Lardner LLP, as follows:

6 WHEREAS on September 30, 2019, EBH filed its Chapter 11 bankruptcy petition in the
7 United States Bankruptcy Court for the District of Nevada (the “Bankruptcy Court”), thereby
8 commencing chapter 11 case no. 19-16364-MKN.

9 WHEREAS, on January 16, 2020, EBH and QXH II filed a Complaint in the Bankruptcy
10 Court, thereby commencing adversary proceeding no. 20-01010-MKN (the “Adversary”).

11 WHEREAS, on March 20, 2020, Arch filed *Arch Insurance Company’s Notice of Motion*
12 and Motion to Withdraw Reference of Adversary Proceeding Pursuant to 28 U.S.C. § 157(d);
13 Memorandum of Points and Authorities [ECF No. 1] (the “Motion to Withdraw the Reference”).

14 WHEREAS, on April 28, 2018, the Stipulation Dismissing Defendant Arch Insurance
15 Company Without Prejudice, Withdrawing Pending Motions, and Vacating Hearing (the
16 “Stipulation”) was filed in the Adversary. The Stipulation, attached hereto as Exhibit 1, provided
17 for the withdrawal of the Motion to Withdraw the Reference and a related pleading and for the
18 dismissal of the Plaintiffs’ claims against Arch without prejudice.

19 WHEREAS, the Stipulation was approved by entry of the Order of the Bankruptcy Court
20 on April 29, 2020 (the “Dismissal Order”). A copy of the Dismissal Order is attached hereto as
21 Exhibit 2.

22 NOW, THEREFORE, the Plaintiffs and Arch hereby stipulate and agree that the Motion
23 to Withdraw the Reference is hereby withdrawn and case number 2:20-cv-00564-RFB-DJA may
24 be closed, with the parties to bear their own fees and costs.

25 Dated this 29th day of April, 2020.

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GARMAN TURNER GORDON LLP

K&L GATES LLP

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Attorneys for Arch Insurance Company

ORDER

The Court, having reviewed and considered the Stipulation of the parties, and good cause appearing therefore, HEREBY ORDERS that: (1) the Motion to Withdraw Reference is withdrawn; and (2) case number 2:20-cv-00564-RFB-DJA is hereby closed, with the parties to bear their own fees and costs.

IT IS SO ORDERED this 17th day of June, 2020.



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE

EXHIBIT 1

EXHIBIT 1

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**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA**

In re:
EB HOLDINGS II, INC.,

Debtor.

EB HOLDINGS II, INC. and QXH II, INC.,

Plaintiffs,

v.

ILLINOIS NATIONAL INSURANCE
COMPANY, CONTINENTAL
CASUALTY COMPANY, FEDERAL
INSURANCE COMPANY, BEAZLEY
INSURANCE COMPANY, INC., AXIS
INSURANCE COMPANY, ACE
AMERICAN INSURANCE COMPANY,
IRONSHORE INDEMNITY INC.,
FREEDOM SPECIALTY INSURANCE
COMPANY, ARCH INSURANCE
COMPANY and ASPEN SPECIALTY
INSURANCE COMPANY,

Defendants.

Chapter 11

Case No.: BK-S-19-16364-MKN

Adv. Pro. No. 20-01010-MKN

**STIPULATION DISMISSING
DEFENDANT ARCH INSURANCE
COMPANY WITHOUT PREJUDICE,
WITHDRAWING PENDING MOTIONS,
AND VACATING HEARING**

1 IT IS HEREBY STIPULATED and AGREED, by and between Plaintiffs EB Holdings II,
2 Inc. (“EBH”), by and through its counsel, the law firm of Garman Turner Gordon LLP, QXH II,
3 Inc. (“QXH II,” and together with EBH, the “Plaintiffs”), by and through its counsel, the law firms
4 of K&L Gates LLP and Ghandi Deeter Blackham, and Arch Insurance Company (“Arch”), by and
5 through its counsel, the law firm of Foley & Lardner LLP, as follows:

6 WHEREAS on September 30, 2019, EBH filed its Chapter 11 bankruptcy petition in the
7 United States Bankruptcy Court for the District of Nevada, thereby commencing chapter 11 case
8 no. 19-16364-MKN.

9 WHEREAS, on January 16, 2020, EBH and QXH II filed a Complaint in the United States
10 Bankruptcy Court for the District of Nevada, thereby commencing this adversary proceeding,
11 adversary no. 20-01010-MKN (the “Adversary”).

12 WHEREAS, on March 24, 2020, Arch filed its Amended Notice of Motion and Motion to
13 Dismiss Arch Insurance Company for Failure to State a Claim and Lack of Subject Matter
14 Jurisdiction and Personal Jurisdiction; Memorandum of Point and Authorities in Support Thereof
15 [ECF No. 115] (the “Motion to Dismiss”).

16 WHEREAS, the Motion to Dismiss is scheduled for hearing on May 12, 2020, at 9:30 a.m.

17 WHEREAS, on March 20, 2020, Arch filed *Arch Insurance Company’s Notice of Motion*
18 and Motion to Withdraw Reference of Adversary Proceeding Pursuant to 28 U.S.C. § 157(d);
19 Memorandum of Points and Authorities [ECF No. 100] (the “Motion to Withdraw the
20 Reference”),¹ thereby commencing District Court case number 2:20-cv-00564-RFB-DJA.

21 WHEREAS, the Plaintiffs and Arch have agreed to dismiss Arch from the Adversary
22 without prejudice and to vacate all pending matters by and between them, with each party to bear
23 its own attorneys’ fees and costs.

24 NOW, THEREFORE, subject to entry of an Order approving this Stipulation, the Plaintiffs
25 and Arch hereby stipulate and agree as follows:

26
27 _____
28 ¹ A similar stipulated order is being filed in case number 2:20-cv-00564-RFB-DJA, pending in the United States District Court for the District of Nevada.

1 1. Arch withdraws its Motion to Dismiss [ECF No. 115] and Motion to Withdraw the
2 Reference [ECF No. 100];

3 2. The May 12, 2020 hearing on the Motion to Dismiss may be vacated.

4 3. The Plaintiffs' claims against Arch filed in this Adversary are dismissed without
5 prejudice; and

6 4. The Plaintiffs and Arch shall each bear their own attorneys' fees and costs incurred
7 to date with respect to the Adversary.

8 Dated this 28th day of April, 2020.

9 GARMAN TURNER GORDON LLP

K&L GATES LLP

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EXHIBIT 2

EXHIBIT 2

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Honorable Mike K. Nakagawa
United States Bankruptcy Judge



Entered on Docket
April 29, 2020

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**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA**

In re:
EB HOLDINGS II, INC.,

Debtor.

EB HOLDINGS II, INC. and QXH II, INC.,

Plaintiffs,

v.

ILLINOIS NATIONAL INSURANCE
COMPANY, CONTINENTAL
CASUALTY COMPANY, FEDERAL
INSURANCE COMPANY, BEAZLEY
INSURANCE COMPANY, INC., AXIS
INSURANCE COMPANY, ACE

Chapter 11

Case No.: BK-S-19-16364-MKN

Adv. Pro. No. 20-01010-MKN

**ORDER DISMISSING DEFENDANT
ARCH INSURANCE COMPANY
WITHOUT PREJUDICE,
WITHDRAWING PENDING MOTIONS
[ECF NOS. 100 and 115], AND VACATING
HEARING**

**Vacated Hearing Date and Time:
May 12, 2020, at 9:30 a.m.**

1 AMERICAN INSURANCE COMPANY,
2 IRONSHORE INDEMNITY INC.,
3 FREEDOM SPECIALTY INSURANCE
4 COMPANY, ARCH INSURANCE
5 COMPANY and ASPEN SPECIALTY
6 INSURANCE COMPANY,

7 Defendants.

8 Plaintiffs EB Holdings II, Inc. (“EBH”), by and through its counsel, the law firm of Garman
9 Turner Gordon LLP, QXH II, Inc. (“QXH II,” and together with EBH, the “Plaintiffs”), by and
10 through its counsel, the law firms of K&L Gates LLP and Ghandi Deeter Blackham, and Arch
11 Insurance Company (“Arch”), by and through its counsel, the law firm of Foley & Lardner LLP,
12 entered into that certain *Stipulation to Dismiss Arch Insurance Company Without Prejudice,*
13 *Withdrawing Pending Motions, and Vacating Hearing* (the “Stipulation”).¹ Good cause appearing
14 therefore;

15 **IT IS HEREBY ORDERED** that the Stipulation is approved in its entirety.

16 **IT IS FURTHER ORDERED** that Arch’s Motion to Dismiss [ECF No. 115] and Motion
17 to Withdraw the Reference [ECF No. 100] are withdrawn.

18 **IT IS FURTHER ORDERED** that the May 12, 2020 hearing on the Motion to Dismiss is
19 vacated.

20 **IT IS FURTHER ORDERED** that the Plaintiffs’ claims against Arch filed in this
21 Adversary are dismissed *without prejudice*.

22 **IT IS FURTHER ORDERED** that the Plaintiffs and Arch shall each bear their own
23 attorneys’ fees and costs incurred to date with respect to the Adversary.

24 **IT IS SO ORDERED.**

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28 ¹ All capitalized, undefined terms shall have the meanings ascribed to them in the Stipulation.

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