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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ANDERSON, MCPHARLIN & CONNERS LLP  
LAWYERS  
777 No. RAINBOW BLVD., SUITE 145  
LAS VEGAS, NEVADA 89107  
TEL (702) 479-1010 • FAX (702) 479-1025

EMPLOYEE PAINTERS TRUST; PAINTERS VACATION TRUST; PAINTERS JOINT COMMITTEE; PAINTERS JOINT APPRENTICESHIP TRAINING COMMITTEE; PAINTERS INDUSTRY PROMOTION FUND; PAINTERS JOINT COMMITTEE INDUSTRY PROMOTION FUND; PAINTERS ORGANIZING FUND; PAINTERS LABOR MANAGEMENT COOPERATION COMMITTEE; PAINTERS LABOR MANAGEMENT COOPERATION INCENTIVE; PAINTERS HEALTH AND SAFETY AND UPGRADE TRAINING AWARD PROGRAM, each acting by and through their designated fiduciaries John Smirk and/or Thomas Pfundstein; and the INTERNATIONAL UNION OF PAINTERS AND ALLIED TRADES INDUSTRY PENSION TRUST FUND, acting by and through its designated fiduciary Gary J. Meyers,

Plaintiffs,

vs.

RIGGIO BROTHERS CONSTRUCTION, INC., a Nevada Corporation; BIONE D. RIGGIO, an individual; WESTERN SURETY COMPANY, a corporation qualified to act as surety in the State of Nevada; JOHN DOES I-XX, inclusive; ROE ENTITIES I-XX,

Defendants.

Case No. 2:09-cv-01831-KJD-PAL

**ORDER GRANTING DEFENDANT/ CROSSCLAIMANT/COUNTER-CLAIMANT/THIRD PARTY PLAINTIFF WESTERN SURETY COMPANY'S MOTION TO: (1) EXONERATE BOND, (2) DISCHARGE WESTERN SURETY COMPANY, (3) DISMISS WITH PREJUDICE WESTERN SURETY COMPANY, (4) REIMBURSE WESTERN SURETY FOR COSTS OF INTERPLEADER AND (5) DISMISS BOND CLAIMANT DEFENDANT AHERN RENTALS, INC. FOR FAILING TO APPEAR**

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WESTERN SURETY COMPANY, a South  
Dakota corporation,  
  
Cross-Claimant,  
  
vs.  
  
RIGGIO BROTHERS CONSTRUCTION, INC.,  
a Nevada corporation; BIONE D. RIGGIO, an  
individual,  
  
Cross-Defendants.

WESTERN SURETY COMPANY, a South  
Dakota corporation,  
  
Counterclaimant,  
  
vs.  
  
EMPLOYEE PAINTERS TRUST; PAINTERS  
VACATION TRUST; PAINTERS JOINT  
COMMITTEE; PAINTERS JOINT  
APPRENTICESHIP TRAINING COMMITTEE;  
PAINTERS INDUSTRY PROMOTION FUND;  
PAINTERS JOINT COMMITTEE INDUSTRY  
PROMOTION FUND; PAINTERS  
ORGANIZING FUND; PAINTERS LABOR  
MANAGEMENT COOPERATION  
COMMITTEE; PAINTERS LABOR  
MANAGEMENT COOPERATION INCENTIVE;  
PAINTERS HEALTH AND SAFETY AND  
UPGRADE TRAINING AWARD PROGRAM,  
each acting by and through their designated  
fiduciaries John Smirk and/or Thomas Pfundstein;  
and the INTERNATIONAL UNION OF  
PAINTERS AND ALLIED TRADES  
INDUSTRY PENSION TRUST FUND, acting by  
and through its designated fiduciary Gary J.  
Meyers,  
  
Counterdefendants.

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1 WESTERN SURETY COMPANY, a South  
2 Dakota corporation,  
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4 Third Party Plaintiff,  
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6 vs.  
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8 AHERN RENTALS, INC., a Nevada  
9 Corporation; PAHOR MECHANICAL  
10 CONTRACTORS, INC., a Nevada Corporation;  
11 SOUTHWEST CARPENTERS TRUST FUND,  
12 a Nevada trust;  
13  
14 Third Party Defendants.

9 **ORDER**

10 The matter of Defendant/Crossclaimant/Counterclaimant/Third Party Plaintiff Western  
11 Surety Company's Motion to: (1) Exonerate Bond, (2) Discharge Western Surety Company, (3)  
12 Dismiss with Prejudice Western Surety Company, (4) Reimburse Western Surety for Costs of  
13 Interpleader and (5) Dismiss Bond Claimant Defendant Ahern Rentals, Inc. for Failing to Appear  
14 [Doc #85] and Plaintiffs' Notice of Non-Opposition to Western's Motion [#86] having come  
15 before this Court and this Court having reviewed and considered all pleadings filed herein does  
16 hereby order the following:

17 **IT IS ORDERED** that Bond No. 69898790, issued by Western Surety Company on behalf  
18 of Riggio Brothers Construction, Inc. and Bione D. Riggio is hereby exonerated.

19 **IT IS FURTHER ORDERED** that Western Surety Company is hereby discharged from  
20 all liability arising from or relating to Bond No. 69898790.


21 **IT IS FURTHER ORDERED** that Defendant/Crossclaimant/Counterclaimant/Third  
22 Party Plaintiff Western Surety Company is hereby dismissed with prejudice from this Action.

23 **IT IS FURTHER ORDERED** that the claim of Bond Claimant and Third Party  
24 Defendant Ahern Rentals, Inc. is hereby dismissed, with prejudice, and, upon entry of this Order,  
25 Ahern Rentals, Inc. shall no longer have any right to assert a claim to the bond proceeds on  
26 deposit with the Court.

27 ///  
28 ///

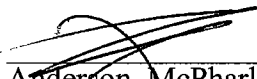
1           **IT IS FURTHER ORDERED** that Western Surety Company shall be reimbursed from  
2 the Bond Funds on deposit with the Clerk of the Court for costs in the amount of \$382.61.

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4 DATED: March 17, 2011.

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7 HON. KENT J. DAWSON  
8 United States District Court Judge

9 Prepared and Submitted by:

10   
11 Anderson, McPharlin & Conners LLP  
12 Janiece S. Marshall, Esq., NV Bar No. 4686  
13 777 North Rainbow Blvd., Suite 145  
14 Las Vegas, NV 89107  
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16 Attorneys for Defendant/Crossclaimant/  
17 Counterclaimant/Third Party Plaintiff  
18 Western Surety Company

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