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8 Attorneys for Plaintiffs

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 TRUSTEES OF THE TEAMSTERS  
12 LOCAL 631 SECURITY FUND FOR  
13 SOUTHERN NEVADA,

14 Plaintiffs,

15 vs.

16 KNOX INSTALLATION –  
17 DISMANTLING AND SERVICES, INC., a  
18 revoked Nevada corporation; and  
19 WESTERN INSURANCE COMPANY,  
20

21 Defendants.

Case No. 2:10-cv-00772-JCM-PAL

**MOTION TO DISMISS WITHOUT  
PREJUDICE**

22 Plaintiffs, the Trustees of the Teamsters Local 631 Security Fund for Southern Nevada  
23 (hereinafter “Security Fund”), hereby move for dismissal of this action without prejudice as to  
24 both Knox Installation-Dismantling and Services, Inc. (“Knox”) and Western Insurance Company  
25 (“Western”) pursuant to Rule 41 of the Federal Rules of Civil Procedure.

26 Following the filing of an answer or motion for summary judgment, Rule 41(a)(2) of the  
27 Federal Rules of Civil Procedure provides that an action may be dismissed at the plaintiff’s  
28 request by court order. The Security Fund has settled all alleged claims against Knox and believes  
that the underlying dispute has been resolved. As such, the Security Fund has decided not to  
pursue Knox or Western at this time.

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(702) 382-2101

1 Based on the foregoing, the Security Fund requests that this matter be dismissed without  
2 prejudice, with each party to bear its own costs.

3  
4 DATED this 21st day of October, 2010 BROWNSTEIN HYATT FARBER SCHRECK, LLP

5  
6 By/s/ Dana Krulewitz  
7 Adam P. Segal, Esq., Nevada Bar No. 6120  
8 Dana B. Krulewitz, Esq., Nevada Bar No. 11180  
9 100 North City Parkway, Suite 1600  
10 Las Vegas, Nevada 89106-4614  
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13 Attorneys for Plaintiffs

14 **ORDER**

15 **IT IS HEREBY ORDERED.**

16   
17 United States District Court Judge

18 **Dated:** December 9, 2010  
19 **Case No.** 2:10-cv-00772-JCM-PAL

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**CERTIFICATE OF SERVICE**

I am employed by the law firm of Brownstein Hyatt Farber Schreck in Clark County. I am over the age of 18 and not a party to this action. My business address is 100 North City Parkway, Suite 1600, Las Vegas, Nevada 89106-4614.

On the 21st day of October, 2010, I served the document(s), described as:

**MOTION TO DISMISS WITHOUT PREJUDICE**

by placing the  original  a true copy thereof enclosed in a sealed envelope addressed as follows:

a. **ECF System** (*You must attach the "Notice of Electronic Filing", or list all persons and addresses and attach additional paper if necessary*)

b. **BY U.S. MAIL.** I deposited such envelope in the mail at Las Vegas, Nevada. The envelope(s) were mailed with postage thereon fully prepaid. I am readily familiar with Brownstein Hyatt Farber Schreck, LLP's practice of collection and processing correspondence for mailing. Under that practice, documents are deposited with the U.S. Postal Service on the same day which is stated in the proof of service, with postage fully prepaid at Las Vegas, Nevada in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date stated in this proof of service.

Knox Installation – Dismantling and Services, Inc.  
2628 E. Lone Mountain Road  
North Las Vegas, NV 89081

Kurt Faux, Esq.  
Peter Novak, Esq.  
1540 W. Warm Springs Road, Suite 100  
Henderson, Nevada 89014  
*Attorneys for Western Insurance Company*

c. **BY PERSONAL SERVICE.**

d. **BY DIRECT EMAIL**

e. **BY FACSIMILE TRANSMISSION**

**I declare under penalty of perjury that the foregoing is true and correct.**

/s/ Ebony Davis  
An employee of Brownstein Hyatt Farber Schreck, LLP