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6 ALLIANCE OF NONPROFITS FOR
 INSURANCE, RISK RETENTION GROUP

7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9
 10 ALLIANCE OF NONPROFITS FOR
 INSURANCE, RISK RETENTION GROUP

CASE NO. 2:10-CV-01749-JCM-RJJ

11
 12 Plaintiffs,

13 vs.

14 BRETT J. BARRATT, COMMISSIONER OF
 INSURANCE OF THE STATE OF
 15 NEVADA, STATE OF NEVADA,
 DEPARTMENT OF BUSINESS AND
 16 INDUSTRY DIVISION OF INSURANCE

17
 18 Defendants.

19 **ORDER**

20 This matter was considered at a motion hearing before the court on July 21, 2011. At said
 21 time, the court considered plaintiff Alliance of Nonprofits for Insurance, Risk Retention Group's
 22 motion for summary judgment (doc. #21) and defendants Brett J. Barratt, Commissioner of
 23 Insurance of the State of Nevada, the Department of Business and Industry Division of Insurance,
 24 motion for summary judgment (doc. #22).

25 IT IS HEREBY ORDERED ADJUDGED AND DECREED that plaintiff's motion for
 26 summary judgment (doc. #21) be, and the same hereby is, GRANTED. Defendant's motion for
 27 summary judgment is DENIED.

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1 IT IS FURTHER ORDERED THAT Nev. R. Stat. 485.185, Nev. R. Stat. 679A.030(1) and
2 Nev. R. Stat. 687A.040 and related statutes and regulations of the State of Nevada are preempted
3 by the Liability Risk Retention Act pursuant to the Supremacy Clause of the Constitution, as
4 applied to Alliance of Nonprofits for Insurance, Risk Retention Group insofar as they prohibit
5 plaintiff from issuing first dollar automobile liability insurance policies in the State of Nevada.

6 IT IS FURTHER ORDERED THAT the phrase "authorized insurer," as used in the Nev.
7 R. Stat. 679A.030, shall be interpreted to include registered risk retention groups such as Alliance
8 of Nonprofits for Insurance, Risk Retention Group.

9 IT IS FURTHER ORDERED THAT defendants are permanently enjoined from enforcing
10 Nev. R. Stat. 485.185, Nev. R. Stat. 679A.030(1) and Nev. R. Stat. 687A.040 and related statutes
11 and regulations against members of Alliance of Nonprofits for Insurance, Risk Retention Group,
12 insofar as they prohibit plaintiff from issuing first dollar automobile liability insurance policies in
13 the State of Nevada.

14 IT IS FURTHER ORDERED THAT plaintiff is entitled to a remedy under 42 U.S.C. §
15 1983 and, therefore is entitled to an award of attorney fees under 42 U.S.C. § 1988 to be set
16 pursuant to FRCP 54.

17 Dated this 22nd day of July, 2011.

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UNITED STATES DISTRICT COURT JUDGE

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Submitted by:

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COOPER LEVENSON APRIL
NIEDELMAN & WAGENHEIM, P.A.

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