

1 ROBERT E. WERBICKY, ESQ.
 Nevada Bar No. 6166
 2 MARTINA W. SHINDELUS, ESQ.
 Nevada Bar No. 8717
 3 **PEEL BRIMLEY LLP**
 3333 E. Serene Avenue, Suite 200
 4 Henderson, Nevada 89074-6571
 Telephone: (702) 990-7272
 5 Fax: (702) 990-7273
rwerbicky@peelbrimley.com
 6 mshindelus@peelbrimley.com
Attorneys for Plaintiff
 7

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

10 THOMAS FLOORS, INC., a Nevada
 11 corporation,

CASE NO.: 2:10-cv-02045-PMP-PAL

12 Plaintiff,

13 vs.

STIPULATION TO DISMISS

14 US BUILDERS COMPANY, an unknown
 entity; UNITED STATES OF AMERICA; US
 15 DEPARTMENT OF DEFENSE; NELLIS
 AIRFORCE BASE, and BOE BONDING
 16 COMPANIES I through V, GOV ENTITIES
 VI through X

17 Defendants.

PEEL BRIMLEY LLP
 3333 E. SERENE AVENUE, STE. 200
 HENDERSON, NEVADA 89074
 (702) 990-7272 ♦ FAX (702) 990-7273

18 COMES NOW, Plaintiff, Thomas Floors, Inc., by and through its attorneys of record,
 19 Robert E. Werbicky, Esq. and Martina Shindelus, Esq. of the law firm of Peel Brimley LLP and
 20 Defendants, United States of America; US Department of Defense; Nellis AirForce Base,
 21 (hereinafter collectively referred to as the "Federal Defendants"), by and through their attorneys
 22 of record, Daniel G. Bogden, Esq. and Rimantas A. Rukstele, Esq. from the United States
 23 Attorney's office (collectively referred to as the "Parties") hereby stipulate and agree as follows:
 24

25 1. The Parties hereby stipulate and agree to voluntarily dismiss the entire matter
 26 identified as Case No. 2:10-cv-02045.
 27

28 2. As such, the Parties respectfully request the Honorable Court to dismiss this matter

PEEL BRIMLEY LLP
3333 E. SERENE AVENUE, STE. 200
HENDERSON, NEVADA 89074
(702) 990-7272 ♦ FAX (702) 990-7273

1 with each Party to bear its own attorneys fees, expert fees and costs;

2 3. The remaining Defendant, US Builders Company, is yet to file an Answer and was
3 therefore not included on this Stipulation. However, US Builders Company will be duly notified
4 of the dismissal at its last known address once approved and/or issued by the Court.
5

6 4. The Parties would like to inform this Honorable Court that there is a pending
7 Motion to Dismiss previously filed by the Federal Defendants. Therefore, the Parties hereby agree
8 to vacate said Motion and any applicable deadlines or hearings associated with the same.

9 5. The Parties are unaware of any other pending matters before this Honorable Court.

10 6. By signing below, the attorneys for the above referenced Parties represent and
11 warrant that they have obtained their respective client's authorization to sign this Stipulation and
12 to bind their client to the terms and conditions contained herein.
13

14 **IT IS SO STIPULATED.**

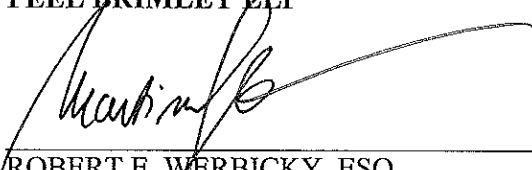
15 Respectfully submitted by:

16 Dated this 8th day of March, 2011.

Dated this 8th day of March, 2011.

17 **PEEL BRIMLEY LLP**

**UNITED STATES ATTORNEY'S
OFFICE**

18 
19
20 ROBERT E. WERBICKY, ESQ.
Nevada Bar No. 6166
21 MARTINA W. SHINDELUS, ESQ.
Nevada Bar No. 8717
22 3333 E. Serene Avenue, Suite 200
Henderson, Nevada 89074-6571
23 Telephone: (702) 990-7272
Fax: (702) 990-7273
24 rwerbicky@peelbrimley.com
mshindelus@peelbrimley.com
25 *Attorneys for Plaintiff*

/s/ Ray Rukstele
26
27 DANIEL G. BOGDEN, ESQ.
United States Attorney
RIMANTAS A. RUKSTELE, ESQ.
Nevada Bar No. 2088
333 Las Vegas Blvd. South, Suite 5000
Las Vegas, NV 89101
Telephone: (702) 388-6237
Fax: (702) 388-6787
Ray.Rukstele@usdoj.gov
Attorneys for the United States

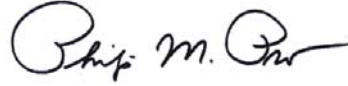
PEEL BRIMLEY LLP
3333 E. SERENE AVENUE, STE. 200
HENDERSON, NEVADA 89074
(702) 990-7272 ♦ FAX (702) 990-7273

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

IT IS SO ORDERED that the above-referenced matter shall be dismissed and all applicable dates and deadlines be vacated.

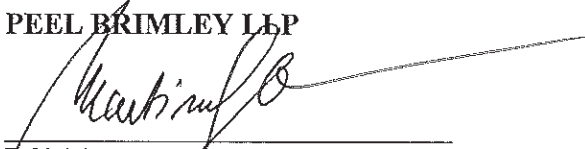
Dated this 9th day of March, 2011.



US DISTRICT COURT JUDGE

Respectfully Submitted by:

PEEL BRIMLEY LLP



ROBERT E. WERBICKY, ESQ.
Nevada Bar No. 6166
MARTINA W. SHINDELUS, ESQ.
Nevada Bar No. 8717
3333 E. Serene Avenue, Suite 200
Henderson, Nevada 89074-6571
Telephone: (702) 990-7272
Fax: (702) 990-7273
rwerbicky@peelbrimley.com
mshindelus@peelbrimley.com
Attorneys for Plaintiff