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7 Attorneys for Plaintiff
 AXIS SURPLUS INSURANCE COMPANY

9
 10 UNITED STATES DISTRICT COURT
 11 DISTRICT OF NEVADA

12 AXIS SURPLUS INSURANCE COMPANY,
 An Illinois corporation,

Case No.: 2:10-CV-02093-GMN-GWF

13 Plaintiff,

14 v.

15 **PLAINTIFF'S EXPEDITED MOTION**
 16 **FOR VOLUNTARY DISMISSAL**
 17 **WITHOUT PREJUDICE**

18 **AND ORDER**

15 PACIFICAP CONSTRUCTION SERVICES,
 16 LLC, erroneously referred to as PACIFICAP
 CONSTRUCTION CO., an Oregon limited
 17 liability company, PACIFICAP PROPERTIES
 GROUP, LLC, an Oregon limited liability
 18 company, PACIFICAP HOLDINGS XXIX,
 LLC, a Nevada limited liability company,
 19 CHEYENNE APARTMENTS PPG, LP, a
 Nevada limited partnership, AMERICAN
 20 ASPHALT & GRADING COMPANY, a
 Nevada corporation, ORION ENGINEERING
 21 AND SURVEYING, INC., a Nevada
 corporation, DEAN RASMUSON, an
 22 individual, OTAK NEVADA, LLC,
 an Oregon limited liability company,
 23 STATE OF NEVADA, ex rel., NEVADA
 DEPARTMENT OF TRANSPORTATION,
 an agency of the State of Nevada,
 24 AMERICAN FAMILY INSURANCE
 COMPANY, a foreign surety transacting
 25 business in the State of Nevada, A. I. SOUTH
 INSURANCE COMPANY, a foreign surety
 26 transacting business in the State of Nevada,
 ADVANCED CONSTRUCTION SERVICES,
 27 LLC, a Nevada limited liability company, ACS
 CONTRACTING, INC., a Nevada corporation
 28 (dba Advanced Construction Services, Inc.),
 MICHAEL J. HUNTER, an individual, GARY

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1 L. KIRKLIN, an individual, TAMILO T.
2 AFUSIA, an individual, RONALD M.
3 PHILLIPS, an individual, CHAD
4 RENNAKER, an individual, JASON Q.
5 RENNAKER, an individual, FRANCISCO
6 GUERERRO, an individual, DARLENE
7 BECERRA, as Special Administrator of the
8 Estate of LORI ANN BECERRA, an
9 individual, ADRIAN MICHAEL BECERRA, a
10 minor, individually, by and through his
11 Guardian Ad Litem, DARLENE BECERRA,
12 an individual,
13 and CHRISTOPHER WATKINS,
14 an individual, and DOES I through XXX,

Defendant.

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11 **PLAINTIFF'S EXPEDITED MOTION FOR
VOLUNTARY DISMISSAL WITHOUT PREJUDICE**

12 Plaintiff AXIS SURPLUS INSURANCE COMPANY, by and through its counsel of
13 record, hereby moves this Honorable Court for an Order granting Voluntary Dismissal of this
14 action without prejudice pursuant to FRCP 41(a)(2). By this Motion, AXIS heeds the Court's
15 directives regarding dismissal of the matter given at the hearing in this matter held May 17,
16 2011. Pursuant to the Court's directives, AXIS moves that a Dismissal be granted without
17 prejudice and without any award of attorneys' fees and/or costs to any party.

18 AXIS requests expedited consideration of this Motion for Voluntary Dismissal so that
19 the Court may consider the request concurrent with the Court's pending decision on AXIS's
20 Motion for Stay Interpleader and for Authorization to Use Interpleaded Funds to Participate in
21 Joint Offers of Judgment in the Underlying Case. The pending Motion to Stay would be
22 rendered moot by an Order granting the Dismissal.

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This Motion is made in good faith and for the reasons stated herein.

DATED: May 18, 2011


BULLIVANT HOUSER BAILEY PC

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Attorneys for Plaintiff
AXIS SURPLUS INSURANCE COMPANY

ORDER

IT IS SO ORDERED this 19th day of May, 2011.



Gloria M. Navarro
United States District Judge