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12 Attorneys for Progressive Casualty Insurance Company

13 **UNITED STATES DISTRICT COURT**  
 14 **DISTRICT OF NEVADA**

15 PROGRESSIVE CASUALTY  
 16 INSURANCE COMPANY,

17 Plaintiff,

18 v.

19 JACKIE K. DELANEY; LARRY E.  
 CARTER; MARK A. STOUT; KENNETH  
 TEMPLETON; JOHN SHIVELY;  
 20 STEVEN C. KALB; JEROME F.  
 SNYDER; HUGH TEMPLETON; RICK  
 21 DRESCHLER; and the FEDERAL  
 DEPOSIT INSURANCE CORPORATION  
 22 as receiver for SUN WEST BANK,

23 Defendants.

Case No. 2:11-CV-00678-LRH-PAL

**JOINT STATUS REPORT**  
**REGARDING ESI**

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1 **JOINT STATUS REPORT REGARDING ESI**

2 Pursuant to the Court's January 14, 2014 order [Docket Entry ("DE") 101],  
3 Plaintiff Progressive Casualty Insurance Company ("Progressive") and Defendant  
4 Federal Deposit Insurance Corporation as Receiver for Sun West Bank ("FDIC-R")  
5 submit the following status report regarding the review and production of electronically  
6 stored information ("ESI").

7 Representatives of Progressive and the FDIC-R, FDIC as Receiver for Omni  
8 National Bank, FDIC as Receiver for Silver State Bank, FDIC as Receiver for Michigan  
9 Heritage Bank, FDIC as Receiver for Pacific State Bank, FDIC as Receiver for Vantus  
10 Bank, the FDIC as Receiver for Community National Bank of Arizona, and the FDIC as  
11 Receiver for Orion Bank participated in a meeting on January 24, 2014 to discuss  
12 Progressive's review and production of ESI in connection with the pending declaratory  
13 judgment actions in the various jurisdictions. Counsel for Progressive, Lewis Loss and  
14 Matthew Dendinger, along with Progressive's ESI consultant, Conor Crowley, attended  
15 on behalf of Progressive. The following individuals attended on behalf of the FDIC  
16 acting as receiver in the various cases, either in person or by phone: Andrew Reidy, Rick  
17 Perrin, Joseph Saka, Ray Rivard, Regina Sandler, John Letteri, Roy Ahrens, Doug Lang,  
18 Tony Kirkwood, Barry Gottfried, Howard Klein, Aaron Forester, Stuart Tonkinson, Lori  
19 Pinkley, and Steven Smith.

20 Progressive and the FDIC-R agree the meeting was productive and believe that  
21 additional discussions concerning the review and production of ESI may prove fruitful.  
22 In order to allow time for further discussions, Progressive and the FDIC-R respectfully  
23 request that the Court continue the status conference currently scheduled for Monday,  
24 February 3, 2014, at 9:30 a.m. Although Progressive and the FDIC discussed requesting  
25 a two-week continuance, counsel for the FDIC-R is not available during the week of

1 February 17 due to previously scheduled mediations in Puerto Rico and Orlando, Florida.  
2 Therefore, Progressive and the FDIC-R respectfully request that the Court continue the  
3 status conference until Monday, February 24, 2014 or Tuesday, February 25, 2014, or as  
4 soon thereafter as it is convenient for the Court.<sup>1</sup> If both February 24 and 25 would be  
5 convenient for the Court, the parties' preference would be for the 25th. The other parties  
6 to this matter do not oppose this continuance.

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20 <sup>1</sup> On January 13, 2014, the FDIC as Receiver for Silver State Bank filed a motion to  
21 enforce or compel in the Silver State Bank action, *Progressive v. Federal Deposit*  
22 *Insurance Corporation, as Receiver of Silver State Bank*, No. 2:12-cv-00665-KJD-PAL  
23 (D. Nev.) (DE 134). At the request of Progressive and the FDIC as Receiver for Silver  
24 State Bank, the Court scheduled a hearing on that motion for 10:00 a.m. on February 3,  
25 2014, immediately following the status conference scheduled in this matter. Contemporaneously herewith, Progressive and the FDIC as Receiver for Silver State Bank are filing a stipulation asking the Court to reschedule the hearing in that matter for the same date as the status conference in this matter, assuming, of course, that the Court is amenable to the continuance Progressive and the FDIC-R propose here.

1 Respectfully submitted this 29th day of January, 2014.

2 HOWARD & HOWARD

DICKSTEIN SHAPIRO LLP

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By /s/ Andrew M. Reidy

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Company as Receiver for Sun West Bank*

18 **ORDER**

19 **IT IS ORDERED** that the hearing set in this matter for February 3, 2014, at 9:30  
20 a.m., is **VACATED** and **RESCHEDULED** for **February 25, 2014, at 11:20 a.m.**, in  
21 Courtroom 3B.

22 Dated this 30th day of January, 2014.

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24 Peggy A. Leen  
25 United States Magistrate Judge

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 29th day of January, 2014, I caused a copy of the foregoing **Joint Status Report Regarding ESI** to be electronically served upon all attorneys of record in this action.

  
An Employee of Howard & Howard