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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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TRAVELERS CASUALTY AND)
SURETY COMPANY OF AMERICA,)
)
Plaintiffs,)
)
vs.)
)
SUSAN GRAVES, et al.,)
)
Defendants.)
_____)

2:11-CV-00937-PMP-CWH

ORDER

Before the Court for consideration is Defendant DW “Doc” Wiener’s Motion to Dismiss Complaint (Doc. #30) filed August 9, 2011. On November 14, 2011, the Court conducted a hearing regarding Defendant Wiener’s Motion and also a separate Motion filed on behalf of Co-Defendant Susan Graves which the Court granted. Although the Motions filed by Defendant Wiener and Graves are similar, the factual circumstances are sufficiently distinct to warrant a different result at this stage of the proceedings.

On October 2, 2007, Plaintiff Travelers issued a Surety Bond on behalf of the Boulevard Bar LLC, d/b/a Trader Vic’s and in favor of the Nevada Department of Taxation. The Surety Bond was secured by an Indemnity Agreement which included a Corporate Indemnity signed by Defendant DW “Doc” Wiener, Manager. The Bond was additionally secured by an individual/additional Indemnity Agreement signed by Defendant Madison and Susan Graves 1993 Family Trust.

The Court finds that whether Defendant Wiener’s signature as presented is sufficient to render him individually liable under the Indemnity Agreement he signed is an open question which will be clarified more fully through the discovery process.

1 At this stage, however, the Court finds Plaintiff has met the requirements of alleging a
2 plausible entitlement to relief against Defendant Wiener in his individual capacity.

3 **IT IS THEREFORE ORDERED** that Defendant DW “Doc” Wiener’s Motion
4 to Dismiss Complaint (Doc. #30) is **DENIED**.

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6 DATED: November 21, 2011.

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PHILIP M. PRO
United States District Judge