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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EMPLOYEE PAINTERS' TRUST; NORTHERN NEVADA PAINTERS AND ALLIED TRADES JOINT APPRENTICESHIP AND TRAINING TRUST FUND, each acting by and through its designated fiduciary, Todd Koch; and INTERNATIONAL UNION OF PAINTERS AND ALLIED TRADES INDUSTRY PENSION TRUST FUND, acting by and through its designated fiduciary, Gary J. Meyers,

Plaintiffs,

v.

SIMAS FLOOR COMPANY, INC., a Nevada Corporation; GAIL SIMAS WARD, an Individual; GREAT AMERICAN INSURANCE COMPANY, a foreign corporation; SIMAS FLOOR CO, INC., a California Corporation doing business as ROBERT SIMAS FLOOR CO.; JAMES EDWARD SIMAS, an Individual and Sole Proprietor doing business as J.E. SIMAS FLOORS; CARMICHAEL FLOOR COMPANY, a foreign corporation; PLATTE RIVER INSURANCE COMPANY, a foreign corporation; BISON CONSTRUCTION, a Nevada Corporation; BROWN CONSTRUCTION, INC., a foreign corporation; GLEN/MAR CONSTRUCTION, INC., a foreign corporation; K-W WESTERN, INC., a Nevada Corporation; K7 CONSTRUCTION, INC., a Nevada Corporation; FRANK LEPORI CONSTRUCTION, INC., a Nevada Corporation; PELLETT CONSTRUCTION, LLC, a Nevada limited liability company; SUNSERI CONSTRUCTION, INC., a foreign corporation; WESTERN SURETY COMPANY, foreign corporation; TRAVELERS

Case No.: 2:12-CV-00848-KJD-VCF

NOTICE AND ORDER OF VOLUNTARY DISMISSAL OF DEFENDANT K7 CONSTRUCTION, INC. WITHOUT PREJUDICE [FRCP 41(a)(2)]

1 CASUALTY AND SURETY COMPANY OF
2 AMERICA, a foreign corporation; MYRON
3 MARTIN, an Individual; RHONDA MARTIN, an
4 Individual; THOMAS PELLETT, an Individual;
5 SABRINA PELLETT, an Individual; JOHN DOES
6 I - X; and ROES ENTITIES, I-X,

Defendants.

7 The above-named Plaintiffs, acting by and through their counsel, Christensen James &
8 Martin, pursuant to FRCP Rule 41(a)(2), do hereby dismiss their claims in the above-entitled
9 action without prejudice as against Defendant K7 CONSTRUCTION, INC. ("K7") only.

10 This dismissal is based upon the representation of K7 that it has not done any work or
11 contracted with J.E. Simas Floors or Carmichael Floor Company to date. If it is later discovered
12 otherwise, the Plaintiffs shall have the right, notwithstanding this order or any other Settlement
13 Agreement or Release, to collect payment from K7 for any delinquency resulting from such work
14 or contract.

15 DATED this 5th day of September, 2012.

CHRISTENSEN JAMES & MARTIN

16 By: /s/ Sara D. Cope

17 Sara D. Cope, Esq.
18 Nevada Bar No. 10329
19 7440 W. Sahara Avenue
20 Las Vegas, NV 89117
21 Tel.: (702) 255-1718
22 *Attorneys for Plaintiffs*

23 IT IS SO ORDERED.

24 Dated this 17th day of Sept., 2012.

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26 _____
27 DISTRICT COURT JUDGE
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