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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DANA ANDREW, as legal guardian on
behalf of Ryan T. Pretner, and RYAN T.
PRETNER,

Plaintiffs,

v.

CENTURY SURETY COMPANY,

Defendant.

Case No. 2:12-cv-00978-APG-PAL

**NOTICE OF INTENT TO
RECONSIDER AND ORDER SETTING
HEARING**


(DKT. #192, #194, #197)

11 I have reconsidered a portion of my prior order (Dkt. #168) regarding whether defendant
12 Century Surety Company is bound by the default judgment entered in the underlying litigation,
13 and whether *Allstate Insurance Co. v. Pietrosh*, 454 P.2d 106 (Nev. 1969) and its progeny apply
14 in the general liability context. On reconsideration, I am inclined to rule that Century is bound by
15 the default judgment's findings on liability and damages (capped at \$1 million because there was
16 no bad faith). But Century may challenge the binding nature of the default judgment if it was
17 obtained through fraud or collusion.

18 IT IS THEREFORE ORDERED that oral argument on defendant's motion for summary
19 judgment (Dkt. #192), plaintiffs' motion for summary judgment (Dkt. #194), plaintiffs' motion to
20 strike (Dkt. #197), and this Notice of Intent to Reconsider will be held **on Thursday, September**
21 **17, 2015 on a stacked calendar at 2:00 p.m. at the Thomas & Mack Moot Court Room at**
22 **UNLV's Boyd School of Law.**

23 DATED this 2nd day of September, 2015.

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ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE