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11 **UNITED STATES DISTRICT COURT**  
12 **DISTRICT OF NEVADA**

13  
14 SCOTTSDALE INSURANCE COMPANY  
Plaintiff/Counter-Defendant,

15 v.

16 LIBERTY MUTUAL INSURANCE  
COMPANY,  
17 Defendant/Counter-Plaintiff.  
18

CASE NO. 2:12-cv-01328-GMN-CWH

**STIPULATED MOTION TO RE-SET  
JULY 21, 2015 HEARING DATE TO A  
DIFFERENT DATE**

**AND MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT**

19  
20 **MOTION AND MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT**

21 On July 7, 2015, the Court entered a Minute Order (Dkt. 76) setting a hearing on the Sealed  
22 Motion (Dkt. 72) for July 21, 2015 at 10:00 am.

23 Plaintiff, Scottsdale Insurance Company (“Scottsdale”) and Defendant Liberty Mutual  
24 Insurance Company (“Liberty Mutual”) join in moving to re-set that hearing date to a different date  
25 in August 2015. Counsel for Scottsdale and Liberty Mutual contacted the Court’s clerk and  
26 understand Chief Judge Navarro currently has a hearing time available during the week of August  
27 17-21, 2015. Therefore, the parties respectfully request that the Court re-set that hearing on the  
28

1 Sealed Motion (Dkt. 72) for Thursday, August 20, 2015, or if that day is not available on the Court's  
2 calendar, then some other day during the week of August 17-21, 2015.

3 In support of this Motion, the parties state as follows:

4 1. Counsel for Liberty Mutual (Gregory Kerwin) is required to attend a different court  
5 hearing on July 21, 2015 in Greeley, Colorado in order to present arguments on motions to dismiss  
6 in a complex stockholder derivative lawsuit. That case is captioned: *Sutton v. SM Energy Company,*  
7 *et al.*, No. 2014-cv-30453 (District Court, Weld County, Colorado). That hearing is scheduled to  
8 begin at 10:30 am Mountain time. *See* attached Order. The hearing has been scheduled since May  
9 4, 2015 and the case involves four sets of lawyers (one set for plaintiffs and three sets for the  
10 different defendants). Mr. Kerwin is lead counsel for his clients (the SM Energy officer defendants)  
11 and they have requested that he present argument at this hearing. It would be very difficult for Mr.  
12 Kerwin to try to change that hearing date at this stage.

13 2. Counsel for Liberty Mutual and Scottsdale conferred on July 7, 2015 about this  
14 schedule conflict and Scottsdale's counsel has agreed to accommodate a schedule change if the  
15 Court will permit it. After comparing schedules and contacting the Court's clerk, the parties request  
16 that the Court re-set this hearing to Thursday, August 20, 2015, or if that date is not available then  
17 some other day during the week of August 17-21, 2015.

18 WHEREFORE, Plaintiff and Defendant respectfully request that the Court grant this  
19 stipulated motion and re-set the hearing on Sealed Motion (Dkt. 72) for either: Thursday, August  
20 20, 2015, or else another day during the week of August 17-21, 2015.

21 Dated: July 8, 2015.

22 Respectfully submitted,

23 KOELLER, NEBEKER, CARLSON & HALUCK,  
24 LLP

25 /s/ Ian P. Gillan

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27 *Attorneys for Defendant*

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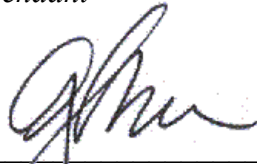
25 /s/ Gregory J. Kerwin

26 \_\_\_\_\_  
Gregory J. Kerwin, Esq.  
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Denver, CO 80202  
27 *Attorneys for Defendant*

28 **IT IS SO ORDERED** this 14th day of July, 2015.

The hearing is continued to Thursday, August 20, 2015 at  
2:00 p.m. before Chief Judge Gloria M. Navarro in Las  
Vegas Courtroom 7D.

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Gloria M. Navarro, Chief Judge  
United States District Court

1 CHRISTIAN, KRAVITZ, DICHTER,  
2 JOHNSON & SLUGA, LLC

3 /s/ *Martin J. Kravitz*

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