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10 UNITED STATES DISTRICT COURT  
 11 DISTRICT OF NEVADA

12 PRESTON WOODBERRY, an individual;  
 13 COURTNEY SUMPTER, an individual;

14 Plaintiffs,

15 vs.

16 FIRST LIGHT HOMEOWNERS  
 ASSOCIATION, a Nevada Domestic Non-  
 17 Profit Corporation; NICKLIN PROPERTY  
 MANAGEMENT AND INVESTMENT,  
 18 INC., a Nevada Domestic Corporation;  
 BOULDER RANCH MASTER  
 ASSOCIATION, a Nevada Domestic Non-  
 19 Profit Corporation; PERFORMANCE  
 CAM, LLC., a Nevada Limited Liability  
 20 Company; LOUIS AUSTIN, an individual;  
 21 ROGER EISEL, an individual; DOES I  
 through X, and ROE CORPORATIONS I  
 through X, inclusive;

22 Defendants.

CASE NO.: 2:14-cv-00325-GMN-GWF

**STIPULATION AND ORDER ALLOWING  
 DEFENDANTS' CARRIER  
 REPRESENTATIVE TO APPEAR  
 TELEPHONICALLY FOR THE  
 SETTLEMENT CONFERENCE**

24 The Parties, by and through their respective counsel of record hereby stipulate  
 25 and agree to jointly move this Court for an Order for defendants' carrier representatives  
 26 to appear telephonically for the settlement conference set for October 7, 2015. In  
 27 support of the request, the Parties state the following:  
 28

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1           1.     This is a case of alleged discrimination in a housing setting.

2           2.     In the year 2001, Plaintiff Preston Woodberry purchased a home in  
3 Henderson, Nevada located within the Defendant Boulder Ranch Master Association  
4 and sub-association Defendant First Light Homeowners Association.

5           3.     Defendant Boulder Ranch Master Association and its former community  
6 management company Defendant Performance Cam, LLC, are defended in this action  
7 under a policy with Liberty International Underwriters. The adjuster on this case for  
8 Liberty International Underwriters resides in New York.

9           4.     Defendant First Light Homeowners Association, its community  
10 Management company, Defendant Nicklin Property Management and Investment Inc.,  
11 board member Defendant Louis Austin and former board member Defendant Roger  
12 Eisel are defended in this action under a policy with CNA Insurance . The adjuster on  
13 this case for CNA resides in Pennsylvania.

14           5.     This request seeks an Order allowing for the Defendants' respective  
15 insurance carrier to appear telephonically and it is brought in a timely manner.

16           6.     The theory of Alternate Dispute Resolution is the save the parties'  
17 unnecessary time and cost in further litigation. It would benefit the parties who claim  
18 entitlement to attorneys fees and costs at the conclusion of this case, if the insurance  
19 carriers can avoid the costs association with travel and accommodations to personally  
20 attend the settlement conference. Moreover, it would avoid the personal hardship for the  
21 insurance representatives who would be traveling from out-of-state.

22           7.     Defendants' carrier with full authority to settle this matter will be available  
23 telephonically throughout the entire mediation if allowed to appear telephonically.  
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1           8. The Parties have entered into an agreement in good faith and to  
2 accommodate one another given that it would be a great burden and hardship upon  
3 Defendant's carrier to appear personally.

4           Wherefore, the parties respectfully request that the Defendants' insurance  
5 carriers may appear telephonically for the October 7, 2015 settlement conference.

6 Stipulate and Agreed to:

7 Dated this 23<sup>rd</sup> day of September, 2015

Dated this 23<sup>rd</sup> day of September, 2015

8 CALLISTER & ASSOCIATES

LIPSON, NEILSON, COLE, SELTZER &  
GARIN, P.C.

9 By: /s/ Mitchell S. Bisson

By: /s/ Angela T. Nakamura Ochoa

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Attorneys for Defendants First Light  
HOA, Nicklin Property Management &  
Investments, Louis Austin, and Roger  
Eisel

17 Dated this 23<sup>rd</sup> day of September, 2015

18 GORDON & REES, LLP

19 By: /s/ Ashlie S. Surur

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25 and Boulder Ranch Master Association

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ORDER

IT IS SO ORDERED

Dated: October 2, 2015

  
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GEORGE FOLEY, JR.  
United States Magistrate Judge