

1 Joel D. Odou
 Nevada Bar No. 7468
 2 jodou@wshblaw.com
 Elisa L. Wyatt
 3 Nevada Bar No. 13034
ewyatt@wshblaw.com
 4 Susana Santana
 Nevada Bar No. 13753
 5 ssantana@wshblaw.com
 Betty J. Foley
 6 Nevada Bar No. 14517
bfoley@wshblaw.com
 7 Wood, Smith, Henning & Berman LLP
 2881 Business Park Court, Suite 200
 8 Las Vegas, NV 89128-9020
 Telephone: 702 251 4100
 9 Facsimile: 702 251 5405
 Attorneys for Defendant/Third-Party Plaintiff,
 10 D.R. Horton, Inc.

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

13 AZURE MANOR/RANCHO DE PAZ
 HOMEOWNERS ASSOCIATION, a Nevada
 14 residential, common-interest planned
 community,

15 Plaintiff,

16 v.

17 D.R. HORTON, INC., a Delaware
 18 corporation, and DOES 1-100, inclusive,

19 Defendant.

20 D.R. HORTON, INC.,

21 Third-Party Plaintiff,

22 v.

23 ALLARD ENTERPRISES d/b/a IRON
 24 SPECIALISTS; AMERICAN ASPHALT &
 GRADING COMPANY; ATRIUM DOOR
 25 AND WINDOW COMPANY; BEBOUT
 CONCRETE, INC.; BEL-AIR PLASTERING,
 26 INC.; CENTRAL VALLEY INSULATION;
 CREATIVE TOUCH INTERIORS, INC.;
 27 DISTINCTIVE MARBLE, INC.; EFFICIENT
 ENTERPRISES, INC. d/b/a EFFICIENT
 28 ELECTRIC, INC.; GILMORE
 CONSTRUCTION, LLC; HARRISON

Case No. 2:14-CV-02222-JCM-NJK

**STIPULATION AND ORDER TO
 DISMISS THIRD-PARTY DEFENDANT
 EFFICIENT ENTERPRISES, INC. D/B/A
 EFFICIENT ELECTRIC, INC.**

WOOD, SMITH, HENNING & BERMAN LLP
 Attorneys at Law
 2881 BUSINESS PARK COURT, SUITE 200
 LAS VEGAS, NEVADA 89128-9020
 TELEPHONE 702 251 4100 ♦ FAX 702 251 5405

1 LANDSCAPE COMPANY, LLC; MAJESTIC
2 PLUMBING, INC.; NEVADA
3 LANDSCAPING, INC.; NEW CREATION
4 MASONRY, INC.; OPM, INC. d/b/a
5 CONSOLIDATED ROOFING; QUALITY
6 WOOD PRODUCTS LTD.; SILVER STATE
7 FIREPLACES, INC.; SOUTHERN NEVADA
8 PAVING, INC.; SUMMIT DRYWALL &
9 PAINT, LLC; SUNRISE MECHANICAL,
10 INC.; SUNSTATE COMPANIES, INC. d/b/a
11 SUNSTATE LANDSCAPE; WESTERN
12 SHOWER DOOR; ZEPEDA BROS. PAINT
13 & DRYWALL, LLC; and DOES 1 through
14 150,

Third-Party Defendants.

15 **STIPULATION AND ORDER TO DISMISS THIRD-PARTY DEFENDANT EFFICIENT**
16 **ENTERPRISES, INC. D/B/A EFFICIENT ELECTRIC, INC.**

17 Defendant/Third-Party Plaintiff, D.R. HORTON, INC. ("D.R. Horton"), by and through its
18 counsel of record, the law firm of Wood, Smith, Henning & Berman LLP, and Third-Party Defendant,
19 EFFICIENT ENTERPRISES, INC. D/B/A EFFICIENT ELECTRIC ("Efficient Enterprises"), by and
20 through its counsel of record, the law firm of Parker Nelson & Associates, Chtd., hereby stipulate to
21 dismiss Efficient Enterprises only, without prejudice in this litigation, with each party to bear its own
22 attorney's fees and costs. The parties' stipulation is based on the following:

23 1. Efficient Enterprises' parent company, Tellum Construction, filed Voluntary Chapter 7
24 Bankruptcy on March 1, 2013, that included Efficient Enterprises, which is still pending at the time of
25 this Stipulation and Order.

26 2. The automatic bankruptcy stay was lifted in 2013 in order to allow D. R. Horton to
27 pursue the insurance proceeds for Efficient Enterprises, if any are available.

28 3. The insurance carriers have represented to the parties that all available insurance for
Efficient Enterprises has exhausted.

4. Efficient Enterprises is being dismissed from this matter, without prejudice, based on
Efficient Enterprises, its counsel's and its insurers' representations that all insurance policies have been
exhausted.

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WOOD, SMITH, HENNING & BERMAN LLP
Attorneys at Law
2881 BUSINESS PARK COURT, SUITE 200
LAS VEGAS, NEVADA 89128-9020
TELEPHONE 702 251 4100 • FAX 702 251 5405

1 5. The parties further stipulate that should any additional insurance policies for Efficient
2 Enterprises be discovered, Efficient Enterprises will be renamed as a Third-Party Defendant in this
3 litigation.

4 6. The parties further stipulate that it has been determined that neither party is to be
5 considered the prevailing party and the claims originally made against Efficient Enterprises were not
6 frivolous.

7 7. This Stipulation is entered into in good faith, in the interest of judicial economy, and
8 not for the purposes of delay.

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WOOD, SMITH, HENNING & BERMAN LLP
Attorneys at Law
2881 BUSINESS PARK COURT, SUITE 200
LAS VEGAS, NEVADA 89128-9020
TELEPHONE 702.251.4100 ♦ FAX 702.251.5405

1 8. This Stipulation may be executed in one or more counterparts, each of which shall
2 constitute a duplicate original. A facsimile or other non-original signature shall still create a binding
3 and enforceable agreement.

4 *Since* IT IS SO STIPULATED:

5 *May* 4, 2019.

May 31st, 2019.

6 WOOD, SMITH, HENNING & BERMAN LLP PARKER NELSON & ASSOCIATES, CHTD.

7
8 By: 

9 JOEL D. ODOU
Nevada Bar No. 7468
10 ELISA L. WYATT
Nevada Bar No. 13034
11 SUSANA SANTANA
Nevada Bar No. 13753
12 2881 Business Park Court, Suite 200
Las Vegas, Nevada 89128-9020
13 Attorneys for D.R. HORTON, INC.

By: 

THEODORE PARKER III
Nevada Bar No. 4716
SHANA D. WEIR
Nevada Bar No. 9468
2460 Professional court, Suite 200
Las Vegas, NV 89128
Attorneys for EFFICIENT ENTERPRISES,
INC. d/b/a EFFICIENT ELECTRIC, INC.

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16 IT IS SO ORDERED.

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UNITED STATES DISTRICT COURT JUDGE
21 DATED: June 12, 2019.

WOOD, SMITH, HENNING & BERMAN LLP
Attorneys at Law
2881 BUSINESS PARK COURT, SUITE 200
LAS VEGAS, NEVADA, 89128-9020
TELEPHONE 702.251.4100 • FAX 702.251.5405