

1 TRACY A. DIFILLIPPO, ESQ.  
 Nevada Bar No. 7676  
 2 MICHELLE D. ALARIE, ESQ.  
 Nevada Bar No. 11894  
 3 ARMSTRONG TEASDALE LLP  
 One Summerlin  
 4 1980 Festival Plaza Drive, Suite 750  
 Las Vegas, Nevada 89135  
 Telephone: 702.678.5070  
 5 Facsimile: 702.878.9995  
 tdifillippo@atllp.com  
 6 malarie@atllp.com

7 LINDA WENDELL HSU, ESQ. (LR IA 11-2 admitted)  
 California Bar No. 162971  
 8 SELMAN BREITMAN LLP  
 33 New Montgomery, Sixth Floor  
 9 San Francisco, California 94105  
 Telephone: 415.979.0400  
 10 Facsimile: 415.979.2099  
 lhsu@selmanlaw.com  
 11 slipsitz@selmanlaw.com

12 *Attorneys for Plaintiff Nautilus Insurance Company*

13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 NAUTILUS INSURANCE COMPANY,

16 Plaintiff,

17 vs.

18 ACCESS MEDICAL, LLC, ROBERT CLARK  
 WOOD, II; FLOURNOY MANAGEMENT,  
 19 LLC; does 1-10, inclusive,

20 Defendants.

Case No.: 2:15-cv-00321-JAD-BNW

**STIPULATION AND ORDER FOR  
 EXTENSION OF DEADLINE TO FILE  
 NEW MOTION REGARDING THE  
 REASONABLENESS OF NAUTILUS’S  
 REIMBURSABLE DEFENSE  
 EXPENDITURES**

ECF No. 200

**[SECOND REQUEST]**

22 Plaintiff Nautilus Insurance Company (“Nautilus”), by and through its counsel, Selman  
 23 Breitman, LLP and Armstrong Teasdale LLP, and Defendants Access Medical, LLC, and Robert  
 24 “Sonny” Wood, II (collectively, “Defendants”), by and through their counsel, the Schnitzer Law Firm,  
 25 hereby stipulate to extend Nautilus’s deadline from December 23, 2022, to January 6, 2023, to file a  
 26 new motion as contemplated in the Court’s Order Granting in Part and Denying in Part Nautilus’s  
 27 Motion for Summary Judgment (ECF No. 194) (“Order”). This is the second request to extend this  
 28 deadline.

1 In the Order, the Court held that it was unable to make a determination whether Nautilus' pre-  
2 complaint expenditures on the insureds' behalf were reasonable. As a result, it denied that part of  
3 Nautilus' motion for summary judgment requesting a ruling that such expenditures were reasonable,  
4 without prejudice. However, the Court allowed Nautilus 14 days from the date of the entry of the Order  
5 to file a new motion on the narrow issue of whether the amount of attorney fees expended by Nautilus  
6 in the underlying *Switzer* action was reasonable under local practices and reasonable under the factors  
7 set forth in *Brunzell v. Golden Gate Nat. Bank*, 455 P.2d 31 (Nev. 1969). Given that the Order was  
8 entered on November 10, 2022, the deadline for filing the new motion was November 24, 2022. The  
9 parties thereafter agreed to continue the deadline to December 23, 2022, which this Court approved.  
10 (ECF No. 197.) The parties have now agreed for Nautilus to have an additional two weeks, or until  
11 January 6, 2023, to file the new motion.

12 Good cause exists to extend Nautilus' deadline to file a new motion. As set forth in the first  
13 stipulation, the attorney fee analysis requested requires Nautilus to analyze the following factors set  
14 forth in *Brunzell v. Golden Gate Nat. Bank*, 455 P.2d 31 (Nev. 1969):

- 15 (1) the qualities of the advocate: his ability, his training, education, experience,  
16 professional standing and skill; (2) the character of the work to be done: its difficulty,  
17 its intricacy, its importance, time and skill required, the responsibility imposed and the  
18 prominence and character of the parties where they affect the importance of the  
19 litigation; (3) the work actually performed by the lawyer: the skill, time and attention  
given to the work; [and] (4) the result: whether the attorney was successful and what  
benefits were derived.

20 Although Nautilus has been diligent to date in preparing the renewed motion seeking reimbursement,  
21 which has included requesting and obtaining declarations from all counsel billing the defense fees paid  
22 by Nautilus to meet the analysis under *Brunzell* and Local Rules, Nautilus requires additional time to  
23 complete this process as it continues to work with former defense counsel on these issues. Nautilus  
24 believes that an additional two weeks will be sufficient to complete this process. Defendants do not  
25 object to this two week extension. This request is made in good faith and is not intended to  
26 unreasonably delay this matter.

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1 Based on the foregoing, the parties respectfully request that this Court extend Nautilus'  
2 deadline to file a new motion on the reasonableness of its attorney fee request from December 23,  
3 2022, to January 6, 2023.

4 **ARMSTRONG TEASDALE LLP**

**THE SCHNITZER LAW FIRM**

5  
6 By: /s/ Michelle D. Alarie  
7 TRACY A. DIFILLIPPO, ESQ.  
Nevada Bar No. 7676  
8 MICHELLE D. ALARIE, ESQ.  
Nevada Bar No. 11894  
9 ARMSTRONG TEASDALE LLP  
One Summerlin  
10 1980 Festival Plaza Drive, Suite 750  
Las Vegas, Nevada 89135

By: /s/ Jordan P. Schnitzer  
JORDAN P. SCHNITZER, NV Bar #10744  
9205 W. Russell Road, Suite 240  
Las Vegas, NV 89148

*Attorneys for Defendants Access Medical LLC  
& Robert "Sonny" Wood, II*

11 LINDA WENDELL HSU, ESQ. (LR IA  
12 11-2 admitted)  
California Bar No. 162971  
13 SELMAN BREITMAN LLP  
33 New Montgomery, Sixth Floor  
14 San Francisco, California 94105

15 *Attorneys for Plaintiff Nautilus Insurance Co.*

16  
17 **ORDER**

18 **IT IS SO ORDERED.**

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20   
UNITED STATES DISTRICT JUDGE

21 12/29/22 nunc pro tunc to 12/23/22  
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