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

12 THE BOARD OF TRUSTEES OF THE
13 CONSTRUCTION INDUSTRY AND
14 LABORERS HEALTH AND WELFARE
15 TRUST; THE BOARD OF TRUSTEES OF
16 THE CONSTRUCTION INDUSTRY AND
17 LABORERS JOINT PENSION TRUST; THE
18 BOARD OF TRUSTEES OF THE
19 CONSTRUCTION INDUSTRY AND
20 LABORERS VACATION TRUST; THE
21 BOARD OF TRUSTEES OF SOUTHERN
22 NEVADA LABORERS LOCAL 872
23 TRAINING TRUST,

20 Plaintiffs,

21 vs.

22 MOHAVE RESTORATION, INC. dba
23 SERVICE MASTERS 1st RESPONSE, a
24 foreign corporation; JEREMIAH L. COX, an
25 individual,

24 Defendants.

26 THE BOARD OF TRUSTEES OF THE
27 CONSTRUCTION INDUSTRY AND
28 LABORERS HEALTH AND WELFARE
TRUST; et al.

Plaintiffs,

Case No.: 2:16-cv-01190-JAD-CWH

**STIPULATION AND ORDER TO
WITHDRAW THIRD-PARTY
PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT (ECF
NO. 42) AND NOTICE OF
SETTLEMENT**

1 vs.

2
3 HANOVER INSURANCE COMPANY, a
4 New Hampshire insurance company; NORTH
5 AMERICAN SPECIALTY INSURANCE
6 COMPANY, a New Hampshire insurance
7 company; DOES 1 THROUGH 10, and ROE
8 CORPORATIONS 1 THROUGH 10,
9 inclusive,

10 Defendants.

11
12

HANOVER INSURANCE COMPANY, a
13 New Hampshire Insurance company;

14 Third Party Plaintiff,

15 vs.

16 MOHAVE RESTORATION, INC. dba
17 SERVICE MASTERS 1st RESPONSE, a
18 foreign corporation; JEREMIAH L. COX, an
19 individual,

20 Third Party Defendants.

21
22 Third-Party Defendants, MOHAVE RESTORATION, INC. dba SERVICE
23 MASTERS 1st RESPONSE, and JEREMIAH L. COX, and Third-Party Plaintiff,
24 HANOVER INSURANCE COMPANY, by and through their respective undersigned
25 counsel, hereby notify the Court that they have reached a resolution of all claims
26 remaining between Third-Party Defendants and Third-Party Plaintiff in this matter and
27 are in the process of formalizing the settlement.

28 Third-Party Defendants and Third-Party Plaintiff hereby stipulate and the
parties hereby agree that Third-Party Plaintiff's Motion for Summary Judgment (ECF
No. 42) be withdrawn without prejudice to refile if for any reason the settlement terms
are not completed. The parties agree to file a stipulation for dismissal within forty (40)
days.

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1 For the foregoing reasons, the Third-Party Plaintiff's Motion for Summary
2 Judgment will be withdrawn without prejudice to refile.

3 Respectfully submitted this 9th day of March, 2018.

4 Dated: March 9, 2018 **FISHER & PHILLIPS LLP**
5 /s/ Allison L. Kheel, Esq.
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13 Defendants

11 Dated: March 9, 2018 **JENNINGS STROUSS & SALOMON**
12 /s/ Patrick F. Welch, Esq.
13 PATRICK F. WELCH, ESQ.
14 Nevada State Bar No. 13278
15 One East Washington Ave., Ste. 1900
16 Phoenix, AZ 85004-2554
17 Attorneys for Third-Party Plaintiff

ORDER

18 IT IS SO ORDERED. IT IS FURTHER ORDERED that the parties must file
19 dismissal documents or a joint status report by April 23, 2018.

20 
21 **U.S. DISTRICT MAGISTRATE JUDGE**
22 Dated: March 12, 2018