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12 Attorneys for Defendant
13 LEXINGTON INSURANCE COMPANY

14 **UNITED STATES DISTRICT COURT**
15 **DISTRICT OF NEVADA**

16 CENTEX HOMES, a Nevada general
17 partnership,

18 Plaintiff,

19 vs.

20 ZURICH AMERICAN INSURANCE
21 COMPANY, an Illinois corporation;
22 EVEREST NATIONAL INSURANCE
23 COMPANY, a Delaware corporation;
24 UNDERWRITERS AT LLOYDS LONDON,
25 a London corporation; LEXINGTON
26 INSURANCE COMPANY, a Delaware
27 corporation; ADMIRAL INSURANCE
28 COMPANY, a New Jersey corporation,

Defendants.

CASE NO. 2:16-cv-01634-APG-GWF

**STIPULATION RE BRIEFING ON
LEXINGTON INSURANCE COMPANY'S
MOTION TO DISMISS [FIRST
REQUEST]**

24 Plaintiff CENTEX HOMES ("Centex") and Defendant LEXINGTON INSURANCE
25 COMPANY ("Lexington"), hereby submit the following Stipulation Re Briefing on Lexington's
26 Motion to Dismiss.

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1 WHEREAS, Lexington filed a Motion to Dismiss on October 19, 2016 (ECF Nos. 11 and
2 12) (the “Motion”);

3 WHEREAS, the Motion makes various arguments as to why Centex’s claims against
4 Lexington should be dismissed relying in part on the language of the Lexington policies at issue;

5 WHEREAS, the Motion did not include copies of the Lexington policies themselves, but
6 rather correspondence between Lexington and Centex in which the parties disputed Centex’s rights
7 and Lexington’s obligations under the policies based in part of the policy language;

8 WHEREAS, Centex has requested additional policy information in order to respond to the
9 Motion;

10 WHEREAS, Lexington is working towards obtaining certified copies of the insurance
11 policies and intends to supplement the Motion with these certified copies;

12 WHEREAS, Lexington and Centex agree that it would be best for this Court to address the
13 issue of the proper interpretation of the language of the Lexington policies with complete copies of
14 the Lexington policies in the Court’s records at the time it addresses the Motion;

15 NOW, THEREFORE, Centex and Lexington, by and through their respective counsel of
16 record, hereby stipulate that Lexington shall supplement the Motion with certified copies of the
17 insurance policies addressed therein and that Centex’s opposition to the Motion shall be filed and
18 served within 10 calendar days of the filing of Lexington’s supplemental papers and Lexington’s
19 reply papers shall be filed and served within 10 calendar days thereafter.

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21 DATED: October 27, 2016

PAYNE & FEARS LLP

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By: /s/ Sarah J. Odia (as authorized 10/27/16)
SCOTT S. THOMAS, ESQ.
sst@paynefears.com
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Attorneys for Plaintiff CENTEX HOMES

23

IT IS SO ORDERED.

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Dated: October 27, 2016.



UNITED STATES DISTRICT JUDGE

25

1 DATED: October 27, 2016

HEROLD & SAGER

2 By: 

3 ANDREW D. HEROLD, ESQ.

4 aherold@heroldsagerlaw.com

5 JOSHUA A. ZLOTLOW, ESQ.

6 jzlotlow@heroldsagerlaw.com

7 Attorneys For Defendant

8 LEXINGTON INSURANCE COMPANY

9
10 **IT IS SO ORDERED:**

11 DATED: _____

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13 **UNITED STATES DISTRICT JUDGE**

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