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7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 CENTEX HOMES, a Nevada general
partnership,

11 Plaintiff,

12 v.

13 NAVIGATORS SPECIALTY INSURANCE
14 COMPANY, a New York corporation;
15 EVEREST NATIONAL INSURANCE
16 COMPANY, a Delaware corporation;
17 INTERSTATE FIRE & CASUALTY
18 COMPANY, an Illinois corporation;
19 LEXINGTON INSURANCE COMPANY, a
Delaware corporation; FEDERAL
20 INSURANCE COMPANY, an Indiana
corporation; and UNDERWRITERS AT
21 LLOYDS LONDON, an England
corporation; ST. PAUL FIRE AND MARINE
INSURANCE COMPANY, a Connecticut
corporation,

22 Defendants.

Case No.: 2:16-cv-01958-JAD-VCF

**ORDER REGARDING BRIEFING
ON LEXINGTON INSURANCE
COMPANY'S MOTION TO DISMISS
(ECF NO. 43)**

[FIRST REQUEST]

ECF Nos. 43, 44, 47

23
24 Plaintiff Centex Homes ("Centex") and Defendant Lexington Insurance Company
25 ("Lexington"), by and through their respective counsel of record, hereby submit this stipulation
26 regarding briefing on Lexington's Motion to Dismiss Centex's Complaint (ECF No. 43).

27 WHEREAS, Lexington filed a motion to dismiss on January 6, 2017 (ECF No. 43);

28 WHEREAS, the motion makes various arguments as to why Centex's claims against

1 Lexington should be dismissed, relying upon the language of the Lexington policies at issue;
2 WHEREAS, the motion did not include copies of the policies themselves, but rather
3 correspondence between Lexington and Centex in which the parties disputed Centex's rights and
4 Lexington's obligations under the policies;

5 WHEREAS, Centex has requested copies of the policies in order to respond to the motion;

6 WHEREAS, Lexington is working towards obtaining certified copies of the insurance
7 policies and intends to supplement the motion with these certified copies;

8 WHEREAS, Lexington and Centex agree that it would be best for this court to address the
9 issue of the property interpretation of the language of the Lexington policies with complete copies
10 of the Lexington policies in the court's record;

11 NOW THEREFORE, Centex and Lexington, by and through their respective counsel of
12 records, hereby STIPULATE and AGREE that Lexington shall supplement the Motion with
13 certified copies of the insurance policies addressed therein and that Centex's response to the
14 Motion shall be filed and served within 15 calendar days of the filing of Lexington's supplemental
15 papers and Lexington's reply papers shall be filed and served within 10 calendar days thereafter.

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17 DATED: January 12, 2017

PAYNE & FEARS LLP

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19 By /s/ Sarah J. Odia

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1 DATED: January 12, 2017

HEROLD & SAGER

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3 By /s/ Joshua A. Zlotlow

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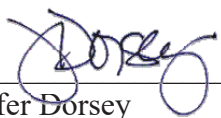
9 Attorneys for LEXINGTON INSURANCE
COMPANY

10 **ORDER**

11 Local Rule 7-1(c) states that “A stipulation that has been signed by fewer than all the parties or
12 their attorneys will be treated—and must be filed—as a joint motion.” This stipulation [ECF No.
13 47] is between the plaintiff and only one of the seven defendants in this case. Accordingly, I treat
14 it as a joint motion under LR 7-1(c).

15 However, I do not find good cause to accept the parties’ proposal because the supplemental
16 briefing plan is not judicially economical. IT IS THEREFORE ORDERED that the stipulation
17 [ECF No. 47] is DENIED.

18 Instead, to streamline Lexington’s motion-to-dismiss process, and exercising my inherent power
19 to control the docket, IT IS FURTHER ORDERED that Lexington’s Motion to Dismiss [ECF No.
20 43] and Request for Judicial Notice [ECF No. 44] are DENIED without prejudice to the refiling
21 of a new motion to dismiss by February 10, 2017. Lexington is advised that it should incorporate
22 any future request for judicial notice into its motion to dismiss.

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Jennifer Dorsey
United States District Court Judge
January 13, 2017