

HOLLEY•DRIGGS•WALCH
FINE•WRAY•PUZEY•THOMPSON
HDW

1 **HOLLEY DRIGGS WALCH**
2 **FINE WRAY PUZEY & THOMPSON**
3 JAMES W. PUZEY, ESQ.
4 Nevada Bar No. 5745
5 800 South Meadows Parkway, Suite 800
6 Reno, Nevada 89521
7 (775) 851-8700
8 Attorney for Plaintiff, Julie Mathis

9 **DUNLAP & LAXALT**
10 CALVIN R. X. DUNLAP, ESQ.
11 Nevada Bar No. 2111
12 MONIQUE LAXALT, ESQ.
13 Nevada Bar No. 1969
14 537 Ralston Street
15 Reno, NV 89503
16 (775) 323-7990
17 Attorneys for Plaintiff, Marlys Plumer

18 **UNITED STATES DISTRICT COURT**
19 **DISTRICT OF NEVADA**

20 JULIE MATHIS, an individual, MARLYS
21 PLUMER, an individual and CYNTHIA
22 SUTHERLAND, in her Capacity as Special
23 Administrator of the Estates of Robert Mathis
24 and Linda Mathis,

25 Plaintiffs,

26 v.

27 IDS PROPERTY & CASUALTY INSURANCE
28 COMPANY, a Wisconsin Corporation,
29 AMERIPRISE AUTO & HOME INSURANCE
30 COMPANY, a Wisconsin Corporation,
31 AMERIPRISE INSURANCE COMPANY, a
32 Wisconsin Corporation, AMERIPRISE AUTO &
33 HOME INSURANCE AGENCY, INC., a
34 Wisconsin Corporation and AMERIPRISE
35 FINANCIAL, INC. a Delaware Corporation,

36 Defendants.

Case No. 2:16-cv-02069-APG-GWF
Consolidated with Case No. 3:17-cv-00214-
HDM-VPC

STIPULATION AND ORDER TO STAY
PROCEEDINGS PENDING
CONCLUSION OF MEDIATION SET
FOR MAY 8, 2018

37 COMES NOW, PLAINTIFFS, JULIE MATHIS and MARLYS PLUMER (collectively
38 hereinafter, “the Parties”) by and through their attorney of record, JAMES W. PUZEY, ESQ.
39 CALVIN R. X. DUNLAP, ESQ. and MONIQUE LAXALT, ESQ, respectively, Plaintiff,
40 CYNTHIA SUTHERLAND, in her capacity as Special Administrator of the Estates of Robert

1 Mathis and Linda Mathis, by and through her attorney of record, CHARLES B. WOODMAN,
2 ESQ. and DEFENDANTS, IDS PROPERTY & CASUALTY INSURANCE COMPANY,
3 AMERIPRISE AUTO & HOME INSURANCE COMPANY, AMERIPRISE INSURANCE
4 COMPANY, AMERIPRISE AUTO & HOME INSURANCE AGENCY, INC. and
5 AMERIPRISE FINANCIAL, INC. (hereinafter collectively “Defendants”) by and through its
6 attorney of record, THOMAS FRIEDMAN of BROWN, BONN & FRIEDMAN, LLP, hereby
7 stipulate and agree as follows:
8

9 1. IDS PROPERTY & CASUALTY INSURANCE COMPANY filed a First
10 Amended Complaint on or about June 26, 2017.

11 2. IDS PROPERTY & CASUALTY INSURANCE COMPANY, AMERIPRISE
12 AUTO & HOME INSURANCE COMPANY, AMERIPRISE INSURANCE COMPANY,
13 AMERIPRISE AUTO & HOME INSURANCE AGENCY, INC. and AMERIPRISE
14 FINANCIAL, INC., filed a Motion to Dismiss on or about June 27, 2017.

15 3. JULIE MATHIS and MARLYS PLUMER filed an Opposition to Defendant’s
16 Motion to Dismiss on or about August 8, 2017.

17 4. JULIE MATHIS and MARLYS PLUMER’s filed an Answer to the Amended
18 Complaint on or about August 9, 2017.

19 5. IDS PROPERTY & CASUALTY INSURANCE COMPANY filed a Reply to
20 Plaintiff’s Opposition to the Motion to Dismiss on or about August 25, 2017.

21 6. On March 6, 2018, the Court issued its order granting Defendant’s Motion to
22 Dismiss in part.
23

24 ///

25 ///

26 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

7. AMERIPRISE AUTO & HOME INSURANCE AGENCY, INC., AMERIPRISE AUTO & HOME INSURANCE COMPANY, AMERIPRISE FINANCIAL INC. and AMERIPRISE INSURANCE COMPANY filed an Answer to the Complaint on or about March 20, 2018.

8. The Plaintiffs and Defendants are amendable to conducting Mediation on May 8, 2018 at 9:00 a.m. to be held at Robert Eisenberger’s office.

9. In connection with the Mediation and in an effort to preserve resources, Plaintiffs and Defendants hereby agree to stay this action, including discovery and motion briefing, until after the conclusion of the May 8, 2018 mediation.

10. To determine if a stay is appropriate, the Court considers (1) damage from the stay; (2) hardship or inequity that befalls one party more than the other; and (3) the orderly course of justice. See Dependable Highway Exp., Inc. v. Navigators Ins. Co., 498 F.3d 1059, 1066 (9th Cir. 2007). Here the parties agree these factors support their Stipulation to Stay litigation.

a. Damage from Stay: Any damage from a temporary stay will be minimal if balanced against the potential fees, costs, and time that would surely ensue in this matter if litigation were allowed to continue, which could be mooted by a resolution of the multiple actions. Indeed, if the matter is settled, the Court will be relieved of expending further time and efforts in this matter. Therefore, a stay will benefit all parties involved herein.

///
///
///
///
///

1 b. Hardship or Inequity: There will be no significant hardship or inequity that
2 befalls unto either party, more than the other, given the relatively short period of the requested
3 stay. The parties agree that any hardship or inequity that may fall upon any of them is
4 outweighed by the benefits of the stay.

5 c. Orderly Course of Justice: By staying this matter temporarily so the parties may
6 engage in settlement discussions with the Court’s assistance, the potential for inconsistent
7 outcomes is lessened with the chances of a settlement. Without a stay, the parties will expend
8 resources unnecessarily if a settlement is reached. As such, a temporary stay would substantially
9 promote the orderly course of justice.

10 11. The parties therefore agree that all proceedings in this instant case, including
11 motion, discovery and other litigation deadlines are stayed pending the conclusion of the
12 mediation set for May 8, 2018 at 9:00 a.m.

13 12. In the event this matter is not resolved at the May 8, 2018 mediation, Plaintiffs
14 and Defendants shall submit an Amended Discovery Plan and Scheduling Order to the Court not
15 later than fourteen (14) days after the conclusion of the mediation.

16
17
18 ///
19 ///
20 ///
21 ///
22 ///
23 ///
24 ///
25 ///
26 ///
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

13. This Stipulation is not brought for the purpose of delay and counsel hereby certifies this Stipulation is made with the knowledge and consent of their clients.

Attorney for JULIE MATHIS
/S/ JAMES W. PUZEY, ESQ.
HOLLEY DRIGGS WALCH
FINE WRAY PUZEY & THOMPSON
JAMES W. PUZEY, ESQ. (NBN 5745)
Nevada Bar No, 5745
800 South Meadows Parkway, Suite 800
Reno, Nevada 89521
Telephone: (775) 851-8700

Attorneys for MARLYS PLUMBER
/S/ CALVIN R. X. DUNLAP, ESQ.
DUNLAP & LAXALT
CALVIN R. X. DUNLAP, ESQ.
Nevada Bar No. 2111
MONIQUE LAXALT, ESQ.
Nevada Bar No. 1969
537 Ralston Street
Reno, NV 89503

Dated this 29th day of March, 2018

Dated this 29th day of March, 2018

Attorney for IDS PROPERTY & CASUALTY INSURANCE COMPANY & AMERIPRISE AUTO & HOME INSURANCE AGENCY, INC., AMERIPRISE AUTO & HOME COMPANY, AMERIPRISE FINANCIAL INC & AMERIPRISE INSURANCE COMPANY

Attorney for CYNTHIA SUTHERLAND, AS SPECIAL ADMINISTRATOR OF THE ESTATES OF ROBERT MATHIS AND LINDA MATHIS

/S/ THOMAS FRIEDMAN, ESQ.
BROWN, BONN & FRIEDMAN, LLP
THOMAS FRIEDMAN
Nevada Bar No. 7708
5528 South Fort Apache Road
Las Vegas, NV 89148

/S/ CHARLES B. WOODMAN, ESQ.
LAW OFFICE OF CHARLES B. WOODMAN
Nevada Bar No.
548 W. Plumb Lane Suite B
Reno, NV 89509

Dated this 29th day of March, 2018.

Dated this 29th day of March, 2018.

IT IS SO ORDERED.

ORDER

DATED this 2nd day of April __, 2018.


UNITED STATES MAGISTRATE JUDGE