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7 *Attorneys for Third-Party Plaintiff*
 8 *AgSaver, LLC*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

10 ARGUSTOLI H.C., LLC, a Nevada limited
 liability company; REDACT, LLC, a Texas
 11 limited liability company as General Partner of
 ALDIS MANUFACTURING, LTD., a Texas
 12 limited partnership and as General Partner for
 ALDIS SALES, LTD., a Texas limited
 13 partnership,

14 Plaintiffs,

15 vs.

16 AGSAVER, LLC, a Mississippi limited liability
 company; CLARKE PUGH, an individual;
 17 DOES I through X, inclusive; and ROES I
 through X, inclusive,

18 Defendants.

19 AGSAVER, LLC, a Mississippi limited liability
 company;

20 Counterclaimants,

21 vs.

22 ARGUSTOLI H.C., LLC, a Nevada limited
 liability company; REDACT, LLC, a former
 23 Texas limited liability company acting as the
 General Partner of ALDIS
 24 MANUFACTURING, LTD, a Texas limited
 partnership and as the General Partner for
 25 ALDIS SALES, LTD; ALDIS
 MANUFACTURING, LTD, a Texas limited
 26 partnership; ALDIS SALES, LTD a Texas
 limited partnership; DOES 1 - 10, inclusive;
 27 and ROES 11-20, inclusive,

28 Counter-Defendants.

Case No.: **2:16-cv-02431-JAD-CWH**

**STIPULATION AND ORDER TO
 DISMISS THE THIRD-PARTY
 COMPLAINT WITHOUT
 PREJUDICE**

ECF No. 36, 39

Stipulation and Order to Dismiss the Third-Party Complaint without Prejudice

1 AGSAVER, LLC, a Mississippi limited liability
2 company;

3 Third-Party Plaintiff,
4 vs.

5 ALDIS MANUFACTURING, LTD, a Texas
6 limited partnership; ALDIS SALES, LTD, a
7 Texas limited partnership; G.I. SMITH, as
8 Trustee of the LOUISIANA INTESTMENT
9 TRUST, a Michigan unknown entity; DOE
10 Individuals/Trustees 1 - 10, inclusive; and
11 ROE Entities 11-20, inclusive,

12 Third-Party Defendants.

13 **STIPULATION AND ORDER TO DISMISS THE THIRD-PARTY COMPLAINT**
14 **WITHOUT PREJUDICE**

15 Third-Party Plaintiff AgSaver, LLC (hereinafter "AgSaver"), by and through its
16 counsel of record, the law firm of Tony M. May, P.C. and Third-Party Defendants Aldis
17 Manufacturing, Ltd. and Aldis Sales, Ltd. (collectively referred to as the "Third-Party
18 Defendants") by and through their attorneys of record, the law firm of Marquis Aurbach
19 Coffing, hereby stipulate and agree as follows:

20 1. AgSaver filed a Third-Party Complaint (ECF No. 12) in this matter on
21 November 17, 2016.

22 2. Third-Party Defendants were served with a true and correct copy of the
23 Summons and Third-Party Complaint on December 22, 2016 (ECF No. 35).

24 3. Third Party Defendants filed a Motion to Dismiss the Third-Party Complaint
25 (ECF No. 36) in this matter on January 12, 2017.

26 4. Within the Third-Party Defendant's Motion to Dismiss, Third-Party
27 Defendants admitted that they are already parties to this matter.

28 5. As a result of the admission, AgSaver has agreed to dismiss the Third-Party
Complaint without prejudice.

6. Third-Party Defendants agree to withdrawal the Motion to Dismiss the Third-
Party Complaint.

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7. The parties request that the hearing on Third-Party Defendant's Motion to Dismiss the Third-Party Complaint, set for hearing on February 27, 2017 be vacated.

IT IS SO STIPULATED

Dated this 26th day of January, 2017.

TONY M. MAY, P.C.

/s/ Tony May

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Attorneys for Defendants AGSAVER, LLC

Dated this 26th day of January, 2017.

MARQUIS AURBACH COFFING

/s/ Liane K. Wakayama


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*Attorneys for Third-Party Defendants
Aldis Manufacturing, Ltd., and Aldis Sales,
Ltd.*

ORDER

Based on the stipulation [39] and good cause appearing, IT IS HEREBY ORDERED that:

1. The third-party claims are DISMISSED without prejudice;
2. The third-party defendants' motion to dismiss [36] is deemed WITHDRAWN; and
3. The February 27, 2017, hearing [37] on the motion to dismiss [36] is VACATED.


UNITED STATES DISTRICT JUDGE

DATED: 1/27/17