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5 Attorneys for Defendant  
 6 SMITH'S FOOD & DRUG CENTERS, INC.

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

9 MICHELLE MULLER,  
 10 Plaintiff,  
 11 vs.  
 12 SMITH'S FOOD & DRUG CENTERS, INC.,  
 and DOES I through V, inclusive,  
 13 Defendants.

CASE NO. 2:16-cv-02773-RFB-NJK

**STIPULATION AND ORDER TO CAP  
 DAMAGES AND REMAND CASE TO  
NEVADA STATE DISTRICT COURT**

15 WHEREAS, after conducting initial discovery in this case, the parties jointly agree to limit  
 16 the damages that Plaintiff may recover in this litigation to \$74,500.00 so that the amount in  
 17 controversy no longer exceeds \$75,000, exclusive of interest and costs as mandated by to 28 U.S.C.  
 18 §1332 and §1441 for diversity jurisdiction; and

19 WHEREAS, the parties further agree that this case be remanded to Nevada State District  
 20 Court for additional proceedings; and

21 WHEREAS, the parties agree that this stipulation to limit and cap damages to \$74,500.00  
 22 shall survive this remand to the Nevada State District Court so that in the event a trier of fact  
 23 subsequently awards an amount greater than said amount, Plaintiff will agree to accept the sum of  
 24 \$74,500.00 and dismiss this litigation;

25 IT IS HEREBY STIPULATED AND AGREED by and between JERRY S. BUSBY, ESQ.,  
 26 of the law firm COOPER LEVENSON, P.A. as counsel for Defendant SMITH'S FOOD & DRUG  
 27 CENTERS, INC., and LAURENCE SPRINGBERG, ESQ. of the law firm THOMAS &  
 28 SPRINGBERG as counsel for Plaintiff MICHELLE MULLER, that Plaintiff limits the amount of

1 damages that she can recover in this litigation to the maximum amount of \$74,500.00 and that the  
2 this limitation on damages shall survive remand to the Nevada State District Court and be binding  
3 upon the parties until the conclusion of this litigation;

4 IT IS FURTHER STIPULATED AND AGREED that this case be remanded to the Eighth  
5 Judicial District of the Nevada State Court for further proceedings.

6 Respectfully submitted this 20th day of March, 2017.

7 THOMAS & SPRINGBERG

COOPER LEVENSON, P.A

8  
9 /s/ Laurence Springberg  
10 LAURENCE SPRINGBERG, ESQ.  
11 Nevada Bar No. 003162  
12 844 East Sahara Avenue  
13 Las Vegas, NV 89104  
14 (702) 731-9222  
15 Attorneys for Plaintiff  
16 MICHELLE MULLER

8  
9 /s/ Jerry S. Busby  
10 JERRY S. BUSBY, ESQ.  
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16 SMITH'S FOOD & DRUG CENTERS, INC.

16 IT IS ORDERED that the maximum amount that Plaintiff may recover in damages shall be  
17 limited to the amount of \$74,500.00 and that this case be remanded to Nevada State District Court  
18 for all future proceedings.

19 IT IS FURTHER ORDERED that the parties agree that Plaintiff's limit on damages to  
20 \$74,500.00 shall be binding on the parties until this case is concluded in Nevada State District Court.

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23   
24 RICHARD F. BOULWARE, II  
25 United States District Judge

26 DATED this 6th day of April, 2017.