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6	Attorney for Defendant,		
7	State Farm Mutual Automobile Insurance Company		
8	UNITED STATES DISTRICT COURT		
9	DISTRICT OF NEVADA		
10	DUSTIN RAINS,	CASE NO.: 2:17-cv-00358-GMN-PAL	
11	Plaintiff,		
12	VS.	STIPULATION AND ORDER FOR	
13	STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY; DOES I through X, inclusive, and ROE CORPORATIONS I through	REMAND TO STATE COURT AND CAP ON POTENTIAL DAMAGES/EXPOSURE	
14			
15	X, inclusive,		
16	Defendants.		
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18	Plaintiff, Dustin Rains ("Mr. Rains"), and Defendant, State Farm Mutual Automobile Insurance		
19	Company ("State Farm"), by and through their respect counsel of record (hereinafter referred to as the		
20	"Parties"), hereby stipulate and agree as follows, and intend for this agreement to serve as an Order		
21	governing the further prosecution and handling of this lawsuit:		
22	1. On December 28, 2016, Mr. Rains filed a lawsuit in the Eighth Judicial District Court of		
23	the State of Nevada in and for the County of Clark, styled Dustin Rains, Plaintiff, vs. State Farm Mutual		
24	Automobile Insurance Company, et al., Defendants, Case No. A-16-748787-C ("Lawsuit").		
25	2. On February 6, 2017, State Farm filed a Notice of Removal of the Lawsuit pursuant to 28		
26	U.S.C. §§ 1332 and 1441 with the United States District Court for the District of Nevada.		
27	3. The Parties have reached an agreement wherein State Farm will agree to have this		
28	Lawsuit remanded to the Eighth Judicial District Court, County of Clark, State of Nevada, in exchange		

for Mr. Rains' agreement to cap/limit all damages that it may ever potentially obtain against State Farm
 to \$75,000.

4. 3 The Parties agree and understand that this cap/limit on any potential damages against State Farm relates to any and all damages potentially awarded against State Farm through this Lawsuit, 4 5 whether the recovery be contractual, extra-contractual, expectation damages, compensatory damages, 6 incidental damages, consequential damages, punitive damages, attorneys fees, costs, and/or interest, 7 and/or under any other legal theory, type of recovery, judgment or award. In other words, any award, 8 recovery, and/or judgment that Mr. Rains may ever obtain against State Farm as a result of this Lawsuit 9 cannot exceed \$75,000, and if any award, recovery and/or judgment exceeds that amount, the same will 10 automatically be reduced to \$75,000 by operation of this stipulation and order.

5. The Parties further stipulate and agree that each party shall bear its own attorneys' fees
and costs with respect to the removal and remand of the Lawsuit.

6. Once the stipulation is signed and filed in the U.S. District Court, District of Nevada, the lawsuit will then be remanded and return to the Clark County, Nevada, Eighth Judicial District Court, and will be reinstated under the same case number (A-16-748787-C) and assigned to the same judicial department, Department IV, as it was prior to the removal of the case to this Court.

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1	7. Plaintiff reserves the right, once this case is remanded to state court, to petition the court		
2	to have the Lawsuit exempted from the Eighth Judicial District Court's mandatory arbitration program,		
3	if necessary.		
4	DATED this 9 <sup>th</sup> day of February, 2017.	DATED this 9 <sup>th</sup> day of February, 2017.	
5	THE702FIRM	HALL JAFFE & CLAYTON, LLP	
6			
7	By <u>/s/ Joel S. Hengstler, Esq.</u> Joel S. Hengstler, Esq.	By <u>/s/ Riley A. Clayton, Esq.</u> Riley A. Clayton, Esq.	
8	Nevada Bar No. 11597 400 S. 7 <sup>th</sup> Street, #400	Nevada Bar No. 005260 7425 Peak Drive	
9	Las Vegas, NV 89101 Attorney for Plaintiff	Las Vegas, NV 89128 Attorney for Defendant	
10			
11	<u>O R D E R</u>		
12	<b>IT IS HEREBY ORDERED</b> that this Stipulation to Remand, (ECF No. 6), is <b>GRANTED</b> an this case is hereby remanded to the Eighth Judicial District Court. The Clerk of Court shall remand this case back to state court and thereafter close this Court's case.		
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13 16	Dated this <sup>13</sup> day of February, 2017.		
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20		Gloria M. Navarro, Chi <del>ef Ju</del> dge UNITED STATES DISTRICT COURT	
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