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7 *Philadelphia Indemnity Insurance Company*

8 **IN THE UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 PHILADELPHIA INDEMNITY INSURANCE  
COMPANY, a Pennsylvania Corporation;

Case No.: 2:17-cv-00871

11 Plaintiff,

**STIPULATION AND ORDER TO  
WITHDRAW MOTION TO COMPEL**

12 vs.

13 FIVE STAR RESTAURANTS, LLC, a Nevada  
limited liability company; WESTBURY  
14 MANOR ENTERPRISES, Inc. a Delaware  
foreign business corporation; VINCENT  
15 SCOTTO, an individual; MICHELINA  
SCOTTO, an individual; DOE INDIVIDUALS 1  
16 through 10, inclusive; ROE BUSINESS  
ENTITIES 11 through 20, inclusive;

17 Defendants.  
18

19 Plaintiff, Philadelphia Indemnity Insurance Company (“Philadelphia”), by and through its  
20 attorneys, The Faux Law Group, and Five Star Restaurants, LLC, Westbury Manor Enterprises,  
21 Inc., Vincent Scotto, and Michelina Scotto (the “Indemnitors”), through its attorneys, Brownstein  
22 Hyatt Farber Schreck, LLP, hereby stipulate to withdrawal of Philadelphia’s Motion to Compel set  
23 for hearing on April 3, 2018 at 10:00 A.M.

24 **STIPULATION**

- 25 1) On December 13, 2017, Philadelphia filed its Motion to Compel and For Sanctions ECF No.  
26 52.  
27 2) The Parties extended the time for the Indemnitors to respond twice via Stipulation and  
28 Order.

- 1 3) During that time, the Parties have worked diligently to resolve the discovery dispute. The
- 2 Indemnitors provided additional Interrogatory Responses, Verifications, the Parties were
- 3 working towards mutually agreeable deposition dates, and the Parties were working towards
- 4 resolution of the fee issues.
- 5 4) On January 31, 2018, the Indemnitors filed an Emergency Motion for Status Conference.
- 6 5) On February 1, 2018, Judge Gordon held a Status Conference wherein he instructed, among
- 7 other things, for \$676,189.00 to be placed in escrow from a loan to be obtained by Westbury
- 8 Manor Enterprises, Inc. (the “Loan”), for Philadelphia to file any UCC releases necessary for
- 9 the Loan to close, and that the Parties would negotiate in good faith regarding the distribution
- 10 of the escrow funds.
- 11 6) The Loan was funded and Judge Gordon issued Order ECF No. 77 regarding distribution of
- 12 the Loan funds.
- 13 7) Given these further developments and in order to allow the parties to continue to work
- 14 towards full resolution, the Parties agree that Philadelphia’s Motion to Compel should be
- 15 withdrawn without prejudice and the hearing set for April 3, 2018 at 10:00 a.m. should be
- 16 vacated.

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8) Both Parties reserve all rights and defenses.

DATED this 30th day of March, 2018.

DATED this 30th day of March, 2018.

BROWNSTEIN HYATT FARBER  
SCHRECK, LLP

THE FAUX LAW GROUP

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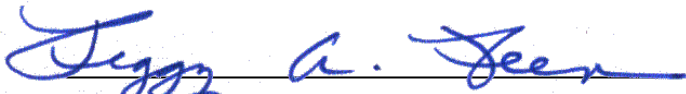
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Restaurants, LLC; Westbury Manor  
Enterprises, Inc.; Vincent Scotto; and  
Michelina Scotto*

*Attorneys for Plaintiff Philadelphia Indemnity  
Insurance Company*

**IT IS SO ORDERED:**

DATED this 2nd day of April, 2018.



UNITED STATES MAGISTRATE JUDGE

