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11 *Attorneys for Plaintiff*

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 13 **UNITED STATES DISTRICT COURT**  
 14 **DISTRICT OF NEVADA**

15 JAMES R. ACHBERGER, individually,  
 16 Plaintiff,

17 v.

18 STATE FARM MUTUAL AUTOMOBILE  
 19 INSURANCE COMPANY; and DOES 1  
 through 10; and ROE CORPORATIONS 1  
 20 through 100;

21 Defendants.

Case No.: 2:17-cv-01068-JAD-VCF

**STIPULATION AND ORDER TO FILE  
 FIRST AMENDED COMPLAINT AND  
 VACATE DEFENDANT’S MOTION TO  
 DISMISS PLAINTIFF’S COMPLAINT**

ECF Nos. 5, 8

22  
 23 IT IS HEREBY STIPULATED AND AGREED between the parties, Plaintiff JAMES R.  
 24 ACHBERGER, and Defendant, STATE FARM MUTUAL AUTOMOBILE INSURANCE  
 25 COMPANY by and through their respective counsel of record, that Plaintiff may amend his  
 26 Complaint and file the proposed First Amended Complaint (Exhibit 1).

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1 The parties also stipulate that Defendants' Motion to Dismiss Plaintiff's Complaint (Doc.  
2 5) is withdrawn pursuant to the parties agreement regarding the proposed First Amended Complaint,  
3 and that the hearing scheduled for June 19, 2017 shall be vacated (Doc. 6).

4 DATED this 25<sup>th</sup> day of May, 2017.

5 **PARKER, NELSON & ASSOCIATES, CHTD. HARPER | SELIM**

6 /s/ Theodore Parker III  
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14  
15 **ORDER**

16 Based on the parties' stipulation [ECF No. 8] and good cause appearing, IT IS HEREBY  
17 ORDERED that the plaintiff must file the proposed amended complaint [ECF No. 8-1] forthwith;  
18 the motion to dismiss [ECF No. 5] is **DEEMED WITHDRAWN**; and the **6/19/17 1:30 p.m.**  
**hearing on that motion to dismiss is VACATED.**

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21 U.S. District Judge Jennifer Dorsey  
May 30, 2017