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12 Attorneys for Plaintiff SCOTTSDALE
13 INSURANCE COMPANY

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16 **UNITED STATES DISTRICT COURT**
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18 **DISTRICT OF NEVADA**

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20 SCOTTSDALE INSURANCE COMPANY,

21 Plaintiff,

22 v.

23 8FORCE ASSETS, LLC; ARPAD BARON,
24 individually; ALBA BARON, individually;
17 LUCY BARON-DONNELLY, individually;
18 BRENTA BARON-MOLLMANN,
19 individually; LASANDRA WEATHERS,
20 individually and as the Natural Mother of
21 JADA RAY, a Minor; CHARLES SMITH and
22 DORIS SMITH, individually and as Guardians
23 Ad Litem for IYANA BANKSTON-WRIGHT,
24 a Minor; CHARLES SMITH, individually and
as Special Administrator of the Estate of
DIANA ROSE BANKSTON; DEBORAH
BARBEE-MARTIN, individually and as
Special Administrator for the Estates of
KAYSHA L. RAY and ANDREW RAY;
DONALD R. LAINER, individually;
PLATINUM ELITE, LLC; and DOES 1
through 10,

Defendants.

Case No. 2:17-cv-02036-APG-GWF

**STIPULATION AND ORDER TO AMEND
PLEADINGS TO ADD PARTIES**

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26 COMES NOW, Alan B. Yuter and Eric S. Powers of Selman Breitman LLP, attorneys for
27 plaintiff Scottsdale Insurance Company ("Scottsdale"); Ian Corzine of West Corzine LLP and
28 Anthony B. Golden of Garg Golden Law Firm, attorneys for defendants 8Force Assets, LLC,

1 Arpad Baron, Alba Baron, Lucy Baron-Donnelly and Brenda Baron-Mollmann; Christopher J.
2 Richardson of Olson, Cannon, Gormley, Angulo & Stoberski, and Darren J. Welsh of Welsh Law
3 attorneys for Donald R. Lainer and Platinum Elite, LLC (collectively, "Defendants"); and hereby
4 stipulate and agree to amend the pleadings to add 8Force Holdings, LLC and Americana, LLC dba
5 Berkshire Hathaway Home Service Nevada Property as defendants.

6 Scottsdale's Complaint

7 On or about January 19, 2017, a fire occurred at the Westlake Apartments located at 801
8 W. Lake Mead Blvd., Las Vegas Nevada 89106. Scottsdale filed the instant action alleging causes
9 of action for 1) Fraud; 2) Declaratory Relief; 3) Material Misrepresentation; 4) Rescission and
10 Restitution; and 5) Unjust Enrichment. Scottsdale seeks a declaration that it has no duty to defend
11 or indemnify defendants 8Force Assets, LLC or its members, Arpad Baron, Alba Baron, Lucy
12 Baron – Donnelly, and Brenda Baron – Mollmann, or the property manager defendants Donald
13 Lainer or Platinum Elite LLC against liability claims arising from the January 19, 2017 fire.

14 8Force Holdings, LLC has the same ownership as 8Force Assets, LLC and Americana,
15 LLC is similarly situated with Platinum Elite, LLC and Donald Lainer.

16 The Underlying Case

17 On or about June 8, 2017, Charles Smith and Doris Smith, Guardians Ad Litem for
18 deceased Iyana Bankston Wright and Charles Smith, as Special Administrator of the Estate of
19 deceased Diana Bankston (collectively, the "Underlying Plaintiffs") filed a liability complaint in
20 the Eighth Judicial District Court, District of Nevada, Case No. A-17-756649-C ("Underlying
21 Case"), which names the Defendants herein as defendants, as well as 8Force Holdings, LLC
22 ("8Force Holdings") as a defendant.

23 On or about September 26, 2017, the Underlying Plaintiffs filed their First Amended
24 Complaint naming Berkshire Hathaway Homeservice Nevada Property as a defendant.

25 On or about October 6, 2017, the Underlying Plaintiffs filed their Second Amended
26 Complaint amending Berkshire Hathaway Homeservice Nevada Property to Americana, LLC
27 d/b/a Berkshire Hathaway Homeservice Nevada Property ("BHHS") as a defendant. The second
28 amended complaint is attached as Exhibit A hereto.

Joinder of Defendants in the Underlying Case

The parties hereby stipulate that pursuant to FRCP 19, 8Force Holdings and BHHS are interested parties to this case as this Court's decisions regarding whether Scottsdale owes a duty of coverage could affect Scottsdale's obligations, if any with respect to 8Force Holdings and BHHS in the Underlying Case.

The parties further stipulate that the answer of 8Force Assets, LLC to Scottsdale's Complaint in this action may be considered filed on behalf of both of 8Force Assets, LLC and 8Force Holdings, LLC. The answer of Donald Lainer and Platinum Elite, LLC may be considered filed on behalf of Donald Lainer, Platinum Elite, LLC and Americana, LLC dba Berkshire Hathaway Home Service Nevada Property.

Excusable Neglect

Good cause and excusable neglect exist to allow the parties to amend the pleadings and add parties because Scottsdale was unaware of the existence of 8Force Holdings or BHHS until each were revealed during recent depositions of 8Force and the FRCP 30(b)(6) witness for Platinum Elite, LLC respectively. Furthermore, Scottsdale was unaware of the relationship between BHHS and Platinum Elite, LLC until the same was revealed throughout the deposition FRCP 30(b)(6) witness for Platinum Elite, LLC. Both 8Force Holdings and BHHS are interested parties to this case because they are named defendants in the Underlying Case. BHHS was not added as a party in the Underlying Case until after Scottsdale filed its Complaint herein.

This Court's decisions will affect Scottsdale's coverage obligations (if any) in the Underlying Case. Adding these parties will not necessitate an extension of the discovery deadlines or any of the other deadlines set by this court. There will not be an undue delay or burden to any party. Accordingly, the parties respectfully request that the instant stipulation to amend the pleadings and add parties be granted.

1 DATED: March 7, 2018

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13 DATED: March 7, 2018

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21 LLC; ARPAD BARON; ALBA BARON; LUCY
22 BARON-DONNELLY; and BRENDA BARON-
23 MOLLMANN

24 DATED: March 7, 2018

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1 DATED: March 7, 2018

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DORIS SMITH

ORDER

IT IS HEREBY ORDERED that the parties' Stipulation and Order to Amend the Pleadings
and Add Parties is hereby GRANTED as 8Force Holdings, LLC and Americana, LLC are
interested parties under FRCP 19.

IT IS FURTHER ORDERED that the answer of 8Force Assets, LLC may be amended to

1 include 8Force Holdings, LLC as an answering party.

2 IT IS FURTHER ORDERED that the answer of Platinum Elite, LLC and Donald Lainer
3 may be amended to include Americana, LLC as an answering party.

4 IT IS FURTHER ORDERED that Scottsdale shall file its Amended Complaint within
5 fifteen (**15**) days of entry of this Order.

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7 DATED: March 8, 2018


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11 ANDREW P. GORDON, JUDGE OF THE
12 UNITED STATES DISTRICT COURT
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