

1 STEVEN T. JAFFE, ESQ.  
 Nevada Bar No. 7035  
 2 [sjaffe@lawhjc.com](mailto:sjaffe@lawhjc.com)  
 WALTER F. FICK, ESQ.  
 3 Nevada Bar No. 14193  
[wfick@lawhjc.com](mailto:wfick@lawhjc.com)  
 4

5 **HALL JAFFE & CLAYTON, LLP**  
 7425 PEAK DRIVE  
 6 LAS VEGAS, NEVADA 89128  
 (702) 316-4111  
 7 FAX (702)316-4114

8 *Attorney for Defendant,*  
 9 *WESTERN HERITAGE INSURANCE COMPANY*

10 **UNITED STATES DISTRICT COURT**  
 11 **DISTRICT OF NEVADA**

12 MICHAEL PAUL HAGGERTY,  
 13 Plaintiff,

CASE NO. 2:17-cv-03078-JAD-GWF

14 vs.

**STIPULATION AND ~~PROPOSED~~ ORDER**  
**TO STAY PROCEEDINGS PENDING**  
**OUTCOME OF BINDING ARBITRATION**

15 WESTERN HERITAGE INSURANCE  
 COMPANY, an Arizona Corporation; DOES I  
 16 through X; and ROE CORPORATIONS I  
 through X, inclusive,  
 17

18 Defendants.  
 19

20 Plaintiff MICHAEL PAUL HAGGERTY, by and through his counsel of record, JOSEPH A.  
 21 GUTIERREZ, ESQ., and STEVEN G. KNAUSS, ESQ., of the law firm MAIER GUTIERREZ &  
 22 ASSOCIATES, and Defendant WESTERN HERITAGE INSURANCE COMPANY, by and through its  
 23 attorneys of record, STEVEN T. JAFFE, ESQ., and WALTER F. FICK, ESQ., of the law firm HALL  
 24 JAFFE & CLAYTON, LLP, hereby **STIPULATE AND AGREE** as follows:

- 25 1. The Parties have negotiated and agreed to a binding arbitration agreement, which  
 26 provides that the arbitration shall be the sole and final adjudication and resolution of this  
 27 matter.

28 ///


- 1           2.     The Parties have agreed to execute a separate stipulation and order to dismiss with  
2           prejudice Plaintiff's extra-contractual claims (Plaintiff's Second Claim for Relief for  
3           Breach of Covenant of Good Faith and Fair Dealing, and Plaintiff's Third Claim for  
4           Relief for Unfair Practices in Settling Claim).
- 5           3.     The Parties have further agreed that this Court should retain jurisdiction for purposes of  
6           entering a final dismissal of the lawsuit, upon the completion of the arbitration.
- 7           4.     The parties have agreed that upon the completion of the arbitration hearing, confirmation  
8           of the arbitration award, and satisfaction of any arbitration award, Plaintiff shall execute a  
9           receipt, a release and indemnity agreement, and a stipulation and order for dismissal with  
10          prejudice for submission to this Court.
- 11          5.     Based upon the foregoing, the Parties agree and request that further proceedings in this  
12          case should be stayed pending the outcome of the binding arbitration.
- 13          6.     This request is based upon a showing of good cause, and is not made for purposes of  
14          needlessly delaying these proceedings. *See* LR IA 6-1. Rather, it is made in a good faith  
15          attempt to conserve party and judicial resources while the parties await a resolution of  
16          their dispute through binding arbitration. *Cf.* Fed. R. Civ. P. 1.

17  
18 DATED this 13<sup>th</sup> day of September, 2018.

DATED this 16<sup>th</sup> day of September, 2018.

19 MAIER GUTIERREZ & ASSOCIATES

HALL JAFFE & CLAYTON, LLP

20  
21 By:   
22     JOSEPH A. GUTIERREZ, ESQ.  
23     Nevada Bar No. 9046  
24     STEVEN G. KNAUSS, ESQ.  
25     Nevada Bar No. 12242  
26     8816 Spanish Ridge Avenue  
27     Las Vegas, Nevada 89148  
28     Attorneys for Plaintiff

By: /s/ Walter F. Fick  
STEVEN T. JAFFE, ESQ.  
Nevada Bar No. 7035  
WALTER F. FICK, ESQ.  
Nevada Bar No. 14193  
7425 Peak Drive  
Las Vegas, Nevada 89128  
Attorneys for Defendant

**ORDER TO STAY**

Pursuant to the foregoing Stipulation, and good cause appearing therefore,

**IT IS HEREBY ORDERED** that all proceedings are **STAYED**, pending the outcome of the Parties' binding arbitration.

DATED this 21st day of September, 2018.

  
UNITED STATES MAGISTRATE JUDGE

Respectfully submitted by:

HALL JAFFE & CLAYTON, LLP

By: /s/ Walter F. Fick  
STEVEN T. JAFFE, ESQ.  
Nevada Bar No. 7035  
WALTER F. FICK, ESQ.  
Nevada Bar No. 14193  
7425 Peak Drive  
Las Vegas, Nevada 89128  
*Attorneys for Defendant*