

**ATKIN WINNER & SHERROD**  
A NEVADA LAW FIRM

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

10 FRANK LOUIS MOJICA, individually;  
ROSE AMELIA GONZALEZ DE  
11 MOJICA, individually,  
Plaintiff(s)

12 vs.

13 GEICO ADVANTAGE INSURANCE  
14 COMPANY; DOES I through X; and ROE  
CORPORATIONS XI through XX,  
15 inclusive,

**CASE NO.: 2:18-cv-00164-RFB-GWF**

**STIPULATION AND ORDER  
REGARDING AMOUNT IN  
CONTROVERSY AND REMAND TO  
STATE COURT**

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17 It is hereby stipulated by and between Plaintiffs FRANK LOUIS MOJICA and ROSE  
18 AMELIA GONZALEZ DE MOJICA, through their attorneys, EDWARD BERNSTEIN &  
19 ASSOCIATES, and GEICO ADVANTAGE INSURANCE COMPANY, through its attorneys,  
20 ATKIN WINNER & SHERROD, that each Plaintiff does not now seek, and will not seek in the  
21 future, damages in excess of Seventy Four Thousand Nine Hundred Ninety Nine Dollars and  
22 Ninety Nine Cents (\$74,999.99) by way of their Complaint for all causes of action in this matter,  
23 inclusive of attorney’s fees, costs and interest, if any be allowed.

24 It is further stipulated that since the amount in controversy is less than \$75,000.00, for  
25 each Plaintiff, inclusive of attorney’s fees, costs and interest, the United States District Court for  
26 the District of Nevada lacks an element of jurisdiction required by 28 U.S.C. § 1332(a).

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1 It is further stipulated that this case may be remanded to the Eighth Judicial District  
2 Court, Clark County, Nevada, based on this agreement as to the amount in controversy, and that  
3 each party shall pay its own attorney's fees and costs associated with the removal and remand.

4 Dated this 27<sup>th</sup> day of February, 2018

Dated this 27<sup>th</sup> day of February, 2018

5 ATKIN WINNER & SHERROD

EDWARD BERNSTEIN & ASSOCIATES

6 /s/Lara L. Miller  
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13 *Attorneys for GEICO*

/s/ Brian E. Lunt  
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Las Vegas, Nevada 89101  
*Attorneys for the Plaintiffs*

**ORDER**

14 IT IS HEREBY ORDERED that each Plaintiff's total recovery against Defendant GEICO  
15 Advantage Insurance Company by way of the Complaint in this matter shall not exceed  
16 \$74,999.99 for all causes of action, inclusive of attorney's fees, costs and interest, if any;

17 Therefore, THIS COURT FINDS that the amount in controversy does not exceed  
18 \$75,000.00 for each Plaintiff, which is the minimum threshold for federal district court  
19 jurisdiction per 28 U.S.C. § 1332(a); and

20 IT IS FURTHER ORDERED that this matter is REMANDED to the Eighth Judicial  
21 District Court, Clark County, Nevada, by authority of 28 U.S.C. § 1447, each party to pay its  
22 own attorney's fees and costs of suit associated with the removal and remand.

23 DATED March 12, 2018.



24 RICHARD F. BOULWARE, II  
25 United States District Court  
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