

1 Sheri Thome, Esq.  
 Nevada Bar No. 08657  
 2 I-Che Lai, Esq.  
 Nevada Bar No. 12247  
 3 **WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP**  
 4 300 South Fourth Street, 11th Floor  
 Las Vegas, NV 89101  
 5 (702) 727-1400; FAX (702) 727-1401  
sheri.thome@wilsonelser.com  
 6 i-che.lai@wilsonelser.com  
 7 Attorneys for Defendant,  
 Civil Service Employees Insurance Company

8  
9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 STEPHEN ROCCO,  
 12 Plaintiff,  
 13 v.  
 14 CIVIL SERVICE EMPLOYEES INSURANCE  
 COMPANY,  
 15 Defendant.

CASE NO: 2:18-cv-00532-JCM-VCF

**STIPULATION AND ORDER TO  
ALLOW PLAINTIFF TO AMEND  
COMPLAINT AND TO WITHDRAW  
MOTION TO DISMISS**

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17 IT IS HEREBY STIPULATED AND AGREED by the undersigned attorneys of record for  
18 Plaintiff Stephen Rocco and Defendant Civil Service Employees Insurance Company as follows:

- 19 1. Plaintiff filed his original Complaint on February 26, 2018 in the Eighth Judicial District  
 20 Court of Clark County, Nevada.  
 21 2. Defendant filed a Notice of Removal of Action [ECF 1] on March 23, 2018.  
 22 3. Defendant filed a Motion to Dismiss pursuant to Fed R. Civ. P. 12(b)(6) [ECF 4] on March  
 23 26, 2018. Plaintiff filed an Opposition to the Motion to Dismiss on April 10, 2018 [ECF 7]  
 24 and concurrently moved to amend his complaint, attaching a proposed First Amended  
 25 Complaint.  
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1 4. The parties agree that Plaintiff may amend his Complaint in the form of the proposed First  
2 Amended Complaint. If the stipulation to amend is approved by this Court, the Motion to  
3 Dismiss will be moot.

4 5. If the stipulation is approved by the Court, Defendant will have 15 days from the date of  
5 Plaintiff's filing of the First Amended Complaint in which to file its answer.

6 WHEREFORE, the undersigned request that this Court enter an Order approving the above-  
7 referenced stipulation.

8 DATED this day of 16<sup>th</sup> day of April, 2018

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

9 **WILSON, ELSER, MOSKOWITZ,**  
10 **EDELMAN & DICKER LLP**

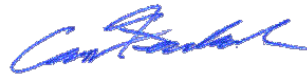
**THE COTTLE FIRM**

11 BY: /s/ Sheri Thome  
12 Sheri Thome, Esq.  
13 Nevada Bar No. 08657  
14 I-Che Lai, Esq.  
15 Nevada Bar No. 012247  
16 300 South Fourth Street, 11th Floor  
17 Las Vegas, Nevada 89101  
(702)727-1400  
Attorneys for Defendant Civil Service  
Employees Insurance Company

BY: /s/ Matthew D. Minucci  
Robert W. Cottle, Esq.  
Nevada Bar No. 004576  
Matthew D. Minucci, Esq.  
Nevada Bar No. 012449  
8635 South Eastern Avenue  
Las Vegas, Nevada 89123  
(702) 722-6111  
Attorney for Plaintiff, Stephen Rocco

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19 **ORDER UPON STIPULATION**

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21 GOOD CAUSE SHOWING, IT IS SO ORDERED. Plaintiff is granted leave to file the  
22 proposed First Amended Complaint, which Defendant has 15 days to answer. Defendant's Motion  
23 to Dismiss [ECF 4] is denied as moot.



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UNITED STATES MAGISTRATE JUDGE

26 Dated : 4-17-2018