

GREENSPOON MARDER LLP
3993 Howard Hughes Parkway, Suite 400
Las Vegas, Nevada 89169
Tel: (702) 978-42549/ Fax: (954) 333-4256

1 Phillip A. Silvestri, Esq.
2 Nevada Bar No. 11276
3 Greenspoon Marder LLP
4 3993 Howard Hughes Pkwy., Ste. 400
5 Las Vegas, Nevada 89169
6 Tel: (702) 978-4249
7 Fax: (954) 333-4256
8 phillip.silvestri@gmlaw.com
9 Attorneys for Defendants

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

12 PAUL ROGERS, individually, and JANET
13 ROGERS, individually,
14
15 Plaintiffs,
16 v.
17 DIAMOND RESORTS INTERNATIONAL,
18 INC., a Delaware Corporation; DIAMOND
19 RESORTS U.S. COLLECTION
20 DEVELOPMENT, LLC, a Delaware limited
21 liability company; DIAMOND RESORTS
22 U.S. COLLECTION MEMBERS
23 ASSOCIATION, a Delaware corporation;
24 DIAMOND RESORTS MANAGEMENT,
25 INC., an Arizona Corporation; and
26 DIAMOND RESORTS FINANCIAL
27 SERVICES, INC., a Nevada Corporation,
28
29 Defendants.

2:18-cv-00903-RFB-GWF

**STIPULATION AND [PROPOSED]
ORDER TO STAY ALL PROCEEDINGS
PENDING BINDING ARBITRATION
PURSUANT TO 9 U.S.C. § 3**

COMES NOW the Parties, Paul Rogers and Janet Rogers (collectively “Plaintiffs”), and Diamond Resorts International, Inc. (“DRI”), Diamond Resorts U.S. Collection Development, LLC (“DRUSC”), Diamond Resorts U.S. Collection Members Association (“DRUSCMA”), Diamond Resorts Management, Inc. (“DRM”), and Diamond Resorts Financial Services, Inc. (“DRFS”) (DRI, DRUSC, DRUSCMA, DRM and DRFS are collectively referred to herein as “Defendants”) by and through their respective counsel of record, and hereby submit the following Stipulation and [Proposed] Order to Stay Proceedings Pending Binding Arbitration

1 pursuant to 9 U.S.C. § 3 as follows:

2 **RECITALS**

3 WHEREAS, Plaintiffs filed a Complaint in the Eighth Judicial District Court, Clark
4 County, Nevada, on April 23, 2018 against Defendants;

5 WHEREAS, Defendants removed the case to this Court on May 18, 2018;

6 WHEREAS, Plaintiffs' claims arise from their purchase of a certain timeshare interests from
7 DRUSC;

8 WHEREAS, each purchase agreement contains a provision whereby all disputes must be
9 submitted to binding arbitration administered by the American Arbitration Association, pursuant
10 to the American Arbitration Association Commercial Rules ("AAA Arbitration");

11 WHEREAS, Plaintiffs agree that all of their claims are subject to the AAA Arbitration
12 provision;

13 WHEREAS, the parties' will jointly submit this matter to AAA Arbitration within ten
14 (10) days;

15 WHEREAS, the parties agree that proceedings in this Court shall be stayed pending the
16 completion of arbitration. The Parties further agree that this Court shall retain jurisdiction to
17 confirm the arbitration award, if any, and to enter judgment, if any, for purposes of enforcement.

18 **STIPULATION**

19 Plaintiffs and Defendants, by and through their attorneys of record, hereby stipulate as
20 follows:

- 21 1. All claims asserted in Plaintiffs' Complaint will be resolved through AAA Arbitration;
- 22 2. The Parties will jointly submit this matter for AAA Arbitration within ten (10) days;
- 23 3. All proceedings in this Court shall be stayed to allow the completion of the AAA
24 Arbitration; and
- 25 4. This Court shall retain jurisdiction to confirm the award, if any, and to enter judgment, if
26 any, for purposes of enforcement.

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IT IS SO STIPULATED.

Dated this 8th day of June, 2018.

**ALBRIGHT, STODDARD,
WARNICK & ALBRIGHT**

By: /s/ G. Mark Albright, Esq.
G. Mark Albright, Esq.
Nevada Bar No. 1394
801 S. Rancho Dr., Ste. D-4
Las Vegas, NV 89106
Attorneys for Plaintiffs

Dated this 8th day of June, 2018.

GREENSPOON MARDER LLP

By: /s/ Phillip A. Silvestri, Esq.
PHILLIP A SILVESTRI, ESQ.
Nevada Bar No. 11276
3993 Howard Hughes Pkwy, Suite 400
Las Vegas, Nevada 89169
Attorneys for Defendants

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ORDER

1. The stipulation of the parties to submit this matter to arbitration is **GRANTED**;
2. All pending deadlines and hearings are vacated;
3. This matter is **STAYED**, pursuant to 9 U.S.C. § 3, to allow completion of the AAA Arbitration; and
4. Every 120 days, and no later than 30 day after the issuance of the arbitrator’s decision, counsel **SHALL** file a joint status report; and
5. The Court retains jurisdiction to confirm the arbitration award and enter judgment for purposes of enforcement.

IT IS SO ORDERED.

Dated: June 13, 2018.



RICHARD F. BOULWARE, II
United States District Court