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**CHRISTENSEN JAMES & MARTIN**

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Vicinity Field Ironworkers Annuity Fund, California Field  
Ironworkers Vacation Trust Fund, California Field Ironworkers  
Apprenticeship Training and Journeyman Retraining Fund,  
Ironworkers Workers' Compensation Trust, California Field  
Ironworkers Administrative Trust, and California  
Field Ironworkers Labor Management Cooperative Trust*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

The Trustees of the California Ironworkers Field  
Pension Trust, California Ironworkers Field  
Welfare Trust, California and Vicinity Field  
Ironworkers Annuity Fund, California Field  
Ironworkers Vacation Trust Fund, California  
Field Ironworkers Apprenticeship Training and  
Journeyman Retraining Fund, Ironworkers  
Workers' Compensation Trust, California Field  
Ironworkers Administrative Trust, and  
California Field Ironworkers Labor Management  
Cooperative Trust,

Case No.: 2:20-cv-00716-JCM-NJK

**STIPULATION TO DISMISS CASE**

Plaintiffs,

vs.

Derr & Isbell Construction, LLC, a Delaware  
limited liability company; Arch Insurance  
Company, a Missouri corporation; SureTec  
Insurance Company, a Texas surety company;  
Merrill Iron & Steel, Inc., a Wisconsin  
Corporation; Nevada State Contractors Board, a  
Nevada regulatory agency; Liberty Mutual  
Insurance Company, a Massachusetts  
corporation; M. A. Mortenson Company, a  
Minnesota corporation; McCarthy Building  
Companies, Inc., a Missouri corporation; Federal

1 Insurance Company, an Illinois corporation; and  
2 Mortenson-McCarthy Las Vegas Stadium, a  
3 Joint Venture, a general partnership; Hinner,  
4 Hinner, Rajek, LLC, a Wisconsin limited  
5 liability company; Hinner, LLC, a Wisconsin  
6 limited liability company,

7 Defendants.

8 The Plaintiffs, The Trustees of the California Ironworkers Field Pension Trust, California  
9 Ironworkers Field Welfare Trust, California and Vicinity Field Ironworkers Annuity Fund,  
10 California Field Ironworkers Vacation Trust Fund, California Field Ironworkers Apprenticeship  
11 Training and Journeyman Retraining Fund, Ironworkers Workers' Compensation Trust,  
12 California Field Ironworkers Administrative Trust, and California Field Ironworkers Labor  
13 Management Cooperative Trust (collectively "Plaintiffs"), by and through their attorney, Evan L.  
14 James, Esq., and Defendants, Derr & Isbell Construction, LLC and Arch Insurance Company  
15 (collectively "Derr Defendants"), by and through their attorney, Brian J. Pezzillo, Esq.; Merrill  
16 Iron & Steel, Inc., Liberty Mutual Insurance Company, Hinner, Hinner, Rajek, LLC and Hinner,  
17 LLC (collectively "Merrill Defendants"), by and through their attorney, Bradley Taylor, Esq.; and  
18 M. A. Mortenson Company, McCarthy Building Companies, Inc., Federal Insurance Company  
19 and Mortenson-McCarthy Las Vegas Stadium (collectively "MMcJV Defendants"), by and  
20 through their attorney, George F. Ogilvie III, Esq. hereby stipulate pursuant to FRCP  
21 41(a)(1)(A)(ii) to dismiss the case as follows:

22 1. The parties have executed a Settlement Agreement setting forth specific terms and  
23 conditions, which are incorporated herein by reference.

24 2. Plaintiffs' claims are dismissed with prejudice in accordance with the terms of the  
25 Settlement Agreement which retains certain rights by the Plaintiffs against Derr & Isbell  
26 Construction, LLC that may be enforced in accordance with the terms of the Settlement  
27 Agreement and the Employee Retirement Income Security Act.

1           3.       The parties agree that the Court retains jurisdiction over the Settlement Agreement  
2 to enforce the terms of the Settlement Agreement.

3           4.       The parties further agree that this Stipulation and the dismissal of claims do not  
4 extend to claims asserted beyond this Lawsuit as recognized and limited in the Settlement  
5 Agreement.

6 CHRISTENSEN JAMES & MARTIN

HOWARD & HOWARD

7 By: /s/ Evan L. James  
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Arch Insurance Company*

15 Gordon Rees Scully Mansukhani

McDonald Carano LLP

16 By: /s/ Bradley Taylor  
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22 [btaylor@grsm.com](mailto:btaylor@grsm.com)  
23 *Attorneys for Merrill Iron & Steel, Inc.;*  
24 *Liberty Mutual Insurance Company and;*  
25 *Hinner, LLC; and Hinner, Hinner, Rajek,*  
26 *LLC*

By: /s/ George F. Ogilvie III  
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*Attorneys for M. A. Mortenson Company; McCarthy  
Building Companies, Inc.; Federal Insurance  
Company; and Mortenson-McCarthy Las Vegas  
Stadium, a Joint Venture*

1 **CERTIFICATE OF SERVICE**

2 I am an employee of Christensen James & Martin and caused a true and correct copy of  
3 the foregoing document to be served in the following manner on the date it was filed with the  
4 Court's ECF System.

5 ✓ ELECTRONIC SERVICE: Through the Court's E-Filing System to the following:

6 Brian J. Pezzillo  
7 bpezzillo@howardandhoward.com  
8 *Attorney for Derr & Isbell Construction, LLC and Arch Insurance Company*

9 Robert E Schumacher  
10 Bradley Taylor  
11 rschumacher@grsm.com  
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13 *Attorneys for Merrill Iron & Steel, Inc.; Liberty Mutual Insurance Company; Hinner, LLC; and Hinner, Hinner, Rajek, LLC*

14 George F. Ogilvie III (3552)  
15 gogilvie@mcdonaldcarano.com  
16 *Attorneys for M. A. Mortenson Company; McCarthy Building Companies, Inc.; Federal Insurance Company; and Mortenson-McCarthy Las Vegas Stadium, a Joint Venture*

17 **CHRISTENSEN JAMES & MARTIN**

18 By:  /s/ Carma Johnson

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11 *Vicinity Field Ironworkers Annuity Fund, California Field*

12 *Ironworkers Vacation Trust Fund, California Field Ironworkers*

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14 *Ironworkers Workers' Compensation Trust, California Field*

15 *Ironworkers Administrative Trust, and California*

16 *Field Ironworkers Labor Management Cooperative Trust*

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

19 The Trustees of the California Ironworkers Field  
20 Pension Trust, California Ironworkers Field  
21 Welfare Trust, California and Vicinity Field  
22 Ironworkers Annuity Fund, California Field  
23 Ironworkers Vacation Trust Fund, California  
24 Field Ironworkers Apprenticeship Training and  
25 Journeyman Retraining Fund, Ironworkers  
26 Workers' Compensation Trust, California Field  
27 Ironworkers Administrative Trust, and  
California Field Ironworkers Labor Management  
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Plaintiffs,

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Derr & Isbell Construction, LLC, a Delaware  
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Corporation; Nevada State Contractors Board, a  
Nevada regulatory agency; Liberty Mutual  
Insurance Company, a Massachusetts  
corporation; M. A. Mortenson Company, a  
Minnesota corporation; McCarthy Building  
Companies, Inc., a Missouri corporation; Federal

Case No.: 2:20-cv-00716-JCM-NJK

**ORDER GRANTING STIPULATION TO  
DISMISS CASE**

1 Insurance Company, an Illinois corporation; and  
2 Mortenson-McCarthy Las Vegas Stadium, a  
3 Joint Venture, a general partnership; Hinner,  
4 Hinner, Rajek, LLC, a Wisconsin limited  
5 liability company; Hinner, LLC, a Wisconsin  
6 limited liability company,

Defendants.

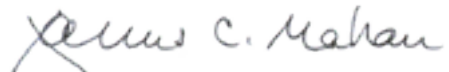
6 The parties' stipulation to dismiss the case is granted. It is hereby ordered that

7 1. Plaintiffs' claims are dismissed with prejudice in accordance with the terms of the  
8 Settlement Agreement which retains certain rights by the Plaintiffs against Derr & Isbell  
9 Construction, LLC that may be enforced in accordance with the terms of the Settlement Agreement  
10 and the Employee Retirement Income Security Act.

11 2. The Court retains jurisdiction over the Settlement Agreement to enforce the terms  
12 of the Settlement Agreement.

13 3. This Order and dismissal of claims does not extend to claims asserted beyond this  
14 Lawsuit as recognized and limited in the Settlement Agreement.

15 Dated November 12, 2020.

  
United States District Court Judge

17 Submitted by:

18 CHRISTENSEN JAMES & MARTIN

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