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 SECURITY NATIONAL INSURANCE COMPANY

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

10 WFTLV01, LLC, a Nevada limited liability
 company,

11 Plaintiff,

12 vs.

13 SECURITY NATIONAL INSURANCE
 14 COMPANY, a Delaware corporation

15 Defendant.
 16

Case No. 2:20-cv-01845-JCM-BNW

STIPULATION TO EXTEND STAY

[First Request]

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 18 IT IS STIPULATED by and between plaintiff WFTLV01, LLC and defendant SECURITY
 19 NATIONAL INSURANCE COMPANY, through their respective counsel, and pursuant to LR IA
 20 6-1 and LR 7-1, that the stay ordered by the Court (ECF No. 44) should be extended pending the
 21 final disposition by the United States Court of Appeals for the Ninth Circuit in *Circus Circus LV,*
 22 *LP v. AIG Specialty Ins. Co.*, No. 21-15367. The parties respectfully submit that good cause exists
 23 for this stipulation based on the following:

24 1. In its Order issued on March 25, 2022 (ECF No. 44), this Court stayed this case “to
 25 receive material guidance from the Ninth Circuit” in the pending case of *Circus Circus LV, LP v.*
 26 *AIG Specialty Ins. Co.*, No. 21-15367. (ECF No. 44 at 2:11 – 3:2). Specifically, this Court ordered
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1 a stay of this case until the Ninth Circuit files its decision in the *Circus Circus* case. (*Id.* at 3:4-6).¹

2 2. This Court also denied all pending motions without prejudice. (ECF No. 44 at 3:8-
3 10). These motions are Defendant’s motion to dismiss (ECF No. 21) and Defendant’s motion for
4 leave to file statement of supplemental authorities for the motion to dismiss (ECF No. 43). This
5 Court also granted leave to refile after the Ninth Circuit has ruled. (ECF No. 44 at 3:8-10).

6 3. On April 15, 2022, the Ninth Circuit issued its unpublished ruling in the *Circus*
7 *Circus* case, which affirmed this Court’s dismissal of the insured’s complaint. *See Circus Circus*
8 *LV, LP v. AIG Specialty Ins. Co.*, 2022 U.S. App. LEXIS 10298 (9th Cir. April 15, 2022).
9 However, the parties believe that the insured in the *Circus Circus* case will likely file a petition for
10 en banc rehearing in the Ninth Circuit.

11 4. The parties accordingly submit that both the letter and spirit of the Court’s Order
12 (ECF No. 44) warrant a further stay of this case until the Ninth Circuit rules on the *Circus Circus*
13 petition for en banc rehearing (or until the time for *Circus Circus* to file the petition expires on or
14 about April 29, 2022).

15 5. Following the Ninth Circuit’s final disposition of the *Circus Circus* petition, or the
16 expiration of the time for *Circus Circus* to file the petition, Defendant intends to re-file a motion
17 to dismiss the Complaint.

18 6. This stipulation is made in good faith and for good cause, and not for any purpose
19 to delay.

20 7. The parties further agree that this stipulated extension of time does not operate as
21 any admission or waiver of any claim or defense by Plaintiff or Defendant.

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27 ¹ Additionally, the parties have agreed to stay discovery pending the final resolution of
28 Defendant’s motion to dismiss. (ECF No. 38).

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DATED this 29th day of April, 2022.

DATED this 29th day of April, 2022.

KENNEDY & COUVILLIER, PLLC

LEWIS BRISBOIS BISGAARD & SMITH
LLP

/s/ Maximiliano D. Couvillier

/s/ Jeffrey D. Olster

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ORDER

IT IS SO ORDERED.

James C. Mahan
UNITED STATES DISTRICT JUDGE

May 6, 2022
Dated: _____