

Richard C. Gordon, Esq.
Nevada Bar No. 9036
Michael Paretti, Esq.
Nevada Bar No. 13926
SNELL & WILMER L.L.P.
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, NV 89169
Telephone: (702) 784-5200
Facsimile: (702) 784-5252
rgordon@swlaw.com
mparetti@swlaw.com

Michael H. Carpenter (*pro hac vice*
forthcoming)
Carpenter Lipps & Leland LLP
280 Plaza, Suite 1300
280 North High Street
Columbus, Ohio 43215
Telephone: (614) 365-4100
Facsimile: (614) 365-9145
carpenter@carpenterlipps.com

Aneca E. Lasley (*pro hac vice* forthcoming)
SQUIRE PATTON BOGGS (US) LLP
2000 Huntington Center
41 South High Street
Columbus, OH 43215
Telephone: (614) 365-2700
Facsimile: (614) 365-2499
Aneca.Lasley@squirepb.com

*Attorneys for Defendants Depositors Insurance
Company, Nationwide Affinity Insurance
Company of America, Nationwide Assurance
Company, Nationwide General Insurance
Company, Nationwide Insurance Company of
America, and Nationwide Mutual Insurance
Company*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

HABAKKUIA MALONE, RICHARD
MOYER, individually and on behalf of all
those similarly situated,

Plaintiffs,

v.

DEPOSITORS INSURANCE COMPANY,
NATIONWIDE AFFINITY INSURANCE
COMPANY OF AMERICA, NATIONWIDE
ASSURANCE COMPANY, NATIONWIDE
GENERAL INSURANCE COMPANY,
NATIONWIDE INSURANCE COMPANY
OF AMERICA, NATIONWIDE MUTUAL
INSURANCE COMPANY, DOES 1 through
10,

Defendants.

Case No.: 2:21-cv-00574-RFB-BNW

**STIPULATION AND ORDER TO
STAY DISCOVERY**

Plaintiffs Habakkuia Malone and Richard Moyer (“Plaintiffs”) and Defendants Depositors Insurance Company, Nationwide Affinity Insurance Company of America, Nationwide Assurance Company, Nationwide General Insurance Company, Nationwide Insurance Company of America, and Nationwide Mutual Insurance Company (collectively, “Nationwide”), by and through their respective counsel (collectively the “Parties”), for good cause shown, hereby stipulate and agree as follows:

1. On April 9, 2021, Nationwide moved to dismiss Plaintiffs’ Complaint [ECF No. 7] (the “Motion”).

2. Plaintiffs filed their Response to Nationwide’s Motion on May 4, 2021 [ECF No. 17].

3. Nationwide filed a Reply in support of the Motion on May 6, 2021. [ECF No. 18].

4. Pending resolution of Nationwide’s Motion, the Parties agree and stipulate to a stay of discovery including, but not limited to, any discovery obligations set forth in Fed. R. Civ. P. 26 and LR 26-1, in order to preserve judicial and party resources. The Parties are in agreement that a stay of discovery is warranted at this time. Moreover, discovery is not required to resolve the pending Motion.

5. If the Court denies Nationwide’s Motion, in whole or in part, the Parties agree to submit a discovery plan and scheduling order within 30 days after entry of the Court’s order on the Motion.

6. Good cause exists to enter the Parties’ stipulated stay of discovery.

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1 7. The Parties represent that this stipulation is sought in good faith and not for the
2 purposes of delay.

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4 DATED this 1st day of June 2021.

5 EGLET ADAMS

6 /s/ Danielle C. Miller

7 Robert T. Eglet

8 Nevada Bar No. 3402

9 Cassandra S.M. Cummings

10 Nevada Bar No. 11944

11 Danielle C. Miller

12 Nevada Bar No. 9127

13 400 S. Seventh St., Suite 400

14 Las Vegas, NV 89101

15 Matthew L. Sharp, Esq.

16 Nevada Bar No. 4746

17 432 Ridge Street

18 Reno, NV 89501

19 matt@mattsharpplaw.com

20 Attorneys for Plaintiffs

 DATED this 1st day of June 2021.

 SNELL & WILMER L.L.P.

/s/ Richard C. Gordon

 Richard C. Gordon, Esq.

 Nevada Bar No. 9036

 Michael Paretti, Esq.

 Nevada Bar No. 13926

 3883 Howard Hughes Pkwy., Ste. 1100

 Las Vegas, NV 89169

 rgordon@swlaw.com

 mparetti@swlaw.com

 Attorneys for Defendants

21 **ORDER**

22 **IT IS SO ORDERED.**

23 DATED: June 4, 2021.

24 

25 UNITED STATES MAGISTRATE JUDGE

26 Respectfully submitted,

27 SNELL & WILMER L.L.P.

28 By: /s/ Richard C. Gordon

 Richard C. Gordon, Esq. (NV Bar No. 9036)

 Michael Paretti, Esq. (NV Bar No. 13926)

 3883 Howard Hughes Parkway, Suite 1100

 Las Vegas, Nevada 89169

 Attorneys for Defendants