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14 Company, Nationwide Affinity Insurance
15 Company of America, Nationwide Assurance
16 Company, Nationwide General Insurance
Company, Nationwide Insurance Company of
America, and Nationwide Mutual Insurance
Company*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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

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

21 Plaintiffs,

**STIPULATION AND ORDER TO
STAY DISCOVERY**

23 DEPOSITORS INSURANCE COMPANY,
24 NATIONWIDE AFFINITY INSURANCE
25 COMPANY OF AMERICA, NATIONWIDE
26 ASSURANCE COMPANY, NATIONWIDE
27 GENERAL INSURANCE COMPANY,
NATIONWIDE INSURANCE COMPANY
OF AMERICA, NATIONWIDE MUTUAL
INSURANCE COMPANY, DOES 1 through
10,

28 Defendants.

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

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

9 2. Plaintiffs filed their Response to Nationwide’s Motion on May 4, 2021 [ECF No.
10 17].

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

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

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

20 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.

3 DATED this 1st day of June 2021.

4 EGLET ADAMS

5 */s/ Danielle C. Miller*

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19 *Attorneys for Plaintiffs*

1 DATED this 1st day of June 2021.

2 SNELL & WILMER L.L.P.

3 */s/ Richard C. Gordon*

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12 *Attorneys for Defendants*

13 **ORDER**

14 **IT IS SO ORDERED.**

15 DATED: June 4, 2021.

16 
17 UNITED STATES MAGISTRATE JUDGE

18 Respectfully submitted,

19 SNELL & WILMER L.L.P.

20 By: */s/ Richard C. Gordon*

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