

1 **CHRISTENSEN JAMES & MARTIN, CHTD.**  
2 Wesley J. Smith, Esq. (11871)  
3 Kevin B. Archibald, Esq. (13817)  
4 Dylan J. Lawter, Esq. (15947)  
5 7440 W. Sahara Avenue  
6 Las Vegas, Nevada 89117  
7 Telephone: (702) 255-1718  
8 Facsimile: (702) 255-0871  
9 Email: wes@cjmlv.com, kba@cjmlv.com, djl@cjmlv.com  
10 *Attorneys for Plaintiff Board of Trustees of the*  
11 *Southern Nevada Glaziers and Fabricators Pension Trust Fund*

7  
8 **UNITED STATES DISTRICT COURT**  
9  
10 **DISTRICT OF NEVADA**

11 \* \* \* \* \*

12 **BOARD OF TRUSTEES OF THE**  
13 **SOUTHERN NEVADA GLAZIERS AND**  
14 **FABRICATORS PENSION TRUST FUND,**

15 Plaintiff,

16 vs.

17 SUN PACIFIC GLAZING, INC., a California  
18 corporation; AMERICAN CONTRACTORS  
19 INDEMNITY COMPANY, a California  
20 corporation; WESTERN NATIONAL  
21 MUTUAL INSURANCE COMPANY, a  
22 Minnesota corporation; JOHN DOES I-XX,  
23 inclusive; and ROE ENTITIES I-XX,  
24 inclusive,

25 Defendants.

26 CASE NO.: 2:22-cv-01056-JCM-NJK

27 **STIPULATION FOR DISMISSAL**  
28 **WITH PREJUDICE**

29 Date: N/A

30 Time: N/A

31 Plaintiff Board of Trustees of the Southern Nevada Glaziers and Fabricators Pension  
32 Trust Fund (“Plaintiff”) and Defendant Western National Mutual Insurance Company  
33 (“WNMIC”), each acting by and through their undersigned counsel, pursuant to Fed. R. Civ. P.  
34 41(a)(1)(A)(ii), hereby stipulate and agree as follows:

35 1. On July 5, 2022, the Plaintiff filed its Complaint in this matter to enforce terms of  
36 the Trust Acceptance and Contribution Agreement (“Contribution Agreement”), various  
37 participation agreements including the Participation Agreement with District Council 36 for the  
38 Sunkist ES Project (“Participation Agreements”), and the Master Labor Agreement with District

CHRISTENSEN JAMES & MARTIN  
7440 WEST SAHARA AVE., LAS VEGAS, NEVADA 89117  
PH: (702) 255-1718 § FAX: (702) 255-0871

1 Council 36 (“Master Labor Agreement”) (Contributions Agreement, Participation Agreements,  
2 and Master Labor Agreement collectively the “Labor Agreements”) requiring Sun Pacific  
3 Glazing, Inc. (“SPG”) to remit contributions to the Plaintiff for work covered under the Labor  
4 Agreements.

5 2. The Complaint alleged that WNMIC issued a payment/performance bond for the  
6 Sunkist ES Project, and the Plaintiff demanded relief out of the proceeds of the bond issued by  
7 WNMIC.

8 3. Following the filing of the Complaint, the Plaintiff and SPG entered into a  
9 settlement agreement, which satisfied the Plaintiff’s claims against WNMIC.

10 4. All matters asserted against WNMIC in the Complaint have been resolved and  
11 dismissal is appropriate.

12 5. By this Stipulation, WNMIC shall be and is dismissed with prejudice.

13 Dated this 14th day of September, 2022.

14 **CHRISTENSEN JAMES & MARTIN**

15 By: /s/ Dylan J. Lawter  
16 Dylan J. Lawter, Esq.  
17 Nevada Bar No. 15947  
18 7440 W. Sahara Avenue  
19 Las Vegas, Nevada 89117  
(702) 255-1718  
20 Email: djl@cjmlv.com  
21 *Attorneys for Plaintiff Board of Trustees of  
the Southern Nevada Glaziers and  
Fabricators Pension Trust Fund*

**THE FAUX LAW GROUP**

By: /s/ Kurt C. Faux  
Kurt C. Faux, Esq.  
Nevada Bar No. 3407  
2625 North Green Valley Parkway, #100  
Henderson, NV 89014  
(702) 458-5790  
Email: kfaux@fauxlaw.com  
22 *Attorneys for Defendant Western National  
Mutual Insurance Company*

23 **IT IS SO ORDERED**

24   
25 **UNITED STATES DISTRICT JUDGE**

26 **September 16, 2022**  
27 Dated: \_\_\_\_\_

28

## **CERTIFICATE OF SERVICE**

I am an employee of Christensen James & Martin. On the date of filing of the foregoing papers with the Clerk of Court I caused a true and correct copy to be served in the following manner:

ELECTRONIC SERVICE: Pursuant to Local Rule LR IC 4-1 of the United States District Court for the District of Nevada, the above-referenced document was electronically filed and served on all appearing parties through the Notice of Electronic Filing automatically generated by the Court.

UNITED STATES MAIL: By depositing a true and correct copy of the above-referenced document into the United States Mail with prepaid first-class postage, addressed to the parties at their last-known mailing address(es):

OVERNIGHT COURIER: By depositing a true and correct copy of the above-referenced document for overnight delivery via a nationally-recognized courier, addressed to the parties listed below which was incorporated by reference and made final in the w at their last-known mailing address.

FAXSIMILE: By sending the above-referenced document via facsimile to those persons listed on the attached service list at the facsimile numbers set forth thereon.

## CHRISTENSEN JAMES & MARTIN

By: /s/ Natalie Saville