UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MYREE D. RUPRACHT, Individually and as Trustee of the ROBERT AND MYREE RUPRACHT FAMILY TRUST Plaintiff, vs. UNION SECURITY INSURANCE CO. et al., Defendants.	)	3:07-CV-00231-RCJ-RAM **ORDER**

This case arises out of Defendant Union Security Insurance Co.'s ("Union Security") denial of life insurance benefits after the death of Plaintiff Myree D. Rupracht's husband Robert in 2006. In 2007, the Hon. Brian E. Sandoval compelled arbitration between Rupracht and Defendant Gary T. Armitage and stayed Union Security's Motion to Dismiss (ECF No. 4) and Plaintiff's Motion to Strike Union Security's Reply in Support of Motion to Dismiss (ECF No. 30).

Plaintiff asks the Court to lift the stay because Armitage failed to participate in arbitration, filed for Chapter 7 bankruptcy, and is incarcerated in California pending a criminal trial for fraud. Union Security does not oppose Plaintiff's motion and has filed its own motion for leave to refile its motion to dismiss because the pleading standards have changed in the meantime. The Court grants both motions.

CONCLUSION

IT IS HEREBY ORDERED that the Motion to Lift Stay (ECF No. 40) is GRANTED.

IT IS FURTHER ORDERED that the Motion to Refile (ECF No. 42) is GRANTED.

IT IS FURTHER ORDERED that the Motion to Dismiss (ECF No. 4) and the Motion to Strike (ECF No. 30) are DENIED as moot.

IT IS SO ORDERED.

Dated: This 14th day of April, 2011.

ROBERT C. JONES
United States District Judge