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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.

1 **CONCLUSION**

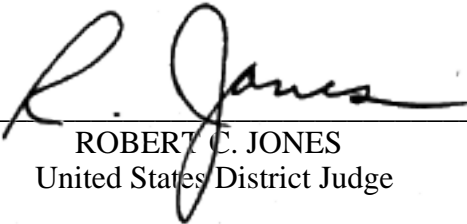
2 IT IS HEREBY ORDERED that the Motion to Lift Stay (ECF No. 40) is GRANTED.

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

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

6 IT IS SO ORDERED.

7 Dated: This 14th day of April, 2011.

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11 ROBERT C. JONES
12 United States District Judge
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