

1 **THE URBAN LAW FIRM**

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10 *Counsel for Counterclaim Defendants*

11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 TRUSTEES of the NORTHERN NEVADA
14 LABORERS HEALTH & WELFARE TRUST
15 FUND, CRAIG MADOLE, DAVE
16 BACKMAN, CRAIG HOLT, DAN RUSNAK,
17 ELOY JARA, RICHARD DALY; TRUSTEES
18 of the LABORERS PENSION TRUST FUND
19 FOR NORTHERN NEVADA, CRAIG
20 MADOLE, DAVE BACKMAN, CRAIG
21 HOLT, DAN RUSNAK, ELOY JARA,
22 RICHARD DALY; TRUSTEES of the
23 CONSTRUCTION WORKERS VACATION
24 SAVINGS TRUST PLAN, CRAIG MADOLE,
25 DAVE BACKMAN, CRAIG HOLT, DAN
26 RUSNAK, ELOY JARA, RICHARD DALY;
27 TRUSTEES of the LABORERS TRAINING
28 TRUST FOR NORTHERN NEVADA,
CRAIG MADOLE, DAVE ELIZONDO,
FRED REEDER, DAN RUSNAK, ELOY
JARA, RICHARD DALY; TRUSTEES of the
CEMENT MASONS ANNUITY TRUST
FUND FOR NORTHERN NEVADA, CRAIG
MADOLE, SHANE GLENN, KEVIN
LINDERMAN, MARC LEAVITT, THOMAS
NORTHRUP, JESSE BARAJAS; TRUSTEES
of the CEMENT MASONS JOINT
APPRENTICESHIP AND TRAINING
TRUST FUND, CRAIG MADOLE, KEVIN
LINDERMAN, SHANE GLENN, MARC
LEAVITT, THOMAS NORTHRUP, JAMES
OBREGON; TRUSTEES of the NORTHERN
NEVADA OPERATING ENGINEERS
HEALTH AND WELFARE TRUST FUND,
CRAIG MADOLE, FRED REEDER, LANCE
SEMENKO, STEVE INIGERSOLL, DYLAN
GALLAGHER, SCOTT FULLERTON;

Case No.: 3:17-cv-00577-RCJ-CBC

**STIPULATION AND ORDER FOR
WITHDRAWAL AND SUBSTITUTION
OF COUNSEL FOR COUNTERCLAIM
DEFENDANTS**

1 TRUSTEES of the OPERATING
2 ENGINEERS AND PARTICIPATING
3 EMPLOYERS PREAPPRENTICE,
4 APPRENTICE, AND JOURNEYMAN
5 AFFIRMATIVE ACTION TRAINING FUND
6 FOR NORTHERN NEVADA, CRAIG
7 MADOLE, FRED REEDER, LANCE
8 SEMENKO, STEVE INGERSOLL, DYLAN
9 GALLAGHER, SCOTT FULLERTON;
10 TRUSTEES of the OPERATING
11 ENGINEERS PENSION TRUST FUND,
12 JAMES MURRAY, KEVIN ALBANESE,
13 STEVE CLARK, F.G. CROSTHWAITE,
14 BRYAN FLAKE, THOMAS HOLSMAN,
15 LANCE INOUE, RICHARD PIOMBO,
16 TOM SQUERI, DAVID STANTON,
17 RUSSELL BURNS, MIKE CROLL, JUSTIN
18 DISTON, DAVID HARRISON, STEVE
19 INGERSOLL, PANE MEATOGA, JR.,
20 BRUCE NOEL, DAN REDING, JAMES
21 SULLIVAN, NATE TUCKER; TRUSTEES of
22 the OPERATING ENGINEERS VACATION
23 HOLIDAY AND SICK PAY TRUST FUND,
24 JAMES MURRAY, BRYAN FLAKE, LANCE
25 INOUE, TOM SQUERI, RUSSELL BURNS,
26 JUSTIN DISTON, STEVE INGERSOLL,
27 DAN REDING, JAMES SULLIVAN; and
28 TRUSTEES OF THE OPERATING
ENGINEERS PENSIONED HEALTH &
WELFARE TRUST FUND, JAMES
MURRAY, KEVIN ALBANESE, STEVE
CLARK, F.G. CROSTHWAITE, BRYAN
FLAKE, THOMAS HOLSMAN, LANCE
INOUE, RICHARD PIOMBO, TOM
SQUERI, DAVID STANTON, RUSSELL
BURNS, MIKE CROLL, JUSTIN DISTON,
DAVID HARRISON, STEVE INGERSOLL,
PANE MEATOGA, JR., BRUCE NOEL, DAN
REDING, JAMES SULLIVAN, NATE
TUCKER;

Plaintiffs,

vs.

KENNETH M. MERCURIO, an individual;
FAST-TRACK SERVICES, LTD., a Nevada

1 limited liability company; ALLEGHENY
2 CASUALTY COMPANY, a Pennsylvania
corporation; and DOES 1-10,

3 Defendants.

4 ALLEGHENY CASUALTY COMPANY,

5 Counterclaimant,

6
7 vs.

8 TRUSTEES of the NORTHERN NEVADA
9 LABORERS HEALTH & WELFARE TRUST
10 FUND; TRUSTEES of the LABORERS
11 PENSION TRUST FUND FOR NORTHERN
12 NEVADA; TRUSTEES of the
13 CONSTRUCTION WORKERS VACATION
14 SAVINGS TRUST PLAN; TRUSTEES of the
15 LABORERS TRAINING TRUST FOR
16 NORTHERN NEVADA; TRUSTEES of the
17 CEMENT MASONS ANNUITY TRUST
18 FUND FOR NORTHERN NEVADA;
19 TRUSTEES of the CEMENT MASONS
20 JOINT APPRENTICESHIP AND TRAINING
21 TRUST FUND; TRUSTEES of the
22 NORTHERN NEVADA OPERATING
23 ENGINEERS HEALTH AND WELFARE
24 TRUST FUND; TRUSTEES of the
25 OPERATING ENGINEERS AND
26 PARTICIPATING EMPLOYERS
27 PREAPPRENTICE, APPRENTICE, AND
28 JOURNEYMAN AFFIRMATIVE ACTION
TRAINING FUND FOR NORTHERN
NEVADA; TRUSTEES of the OPERATING
ENGINEERS PENSION TRUST FUND;
TRUSTEES of the OPERATING
ENGINEERS VACATION HOLIDAY AND
SICK PAY TRUST FIIND; and TRUSTEES
OF THE OPERATING ENGINEERS
PENSIONED HEALTH & WELFARE
TRUST FUND; OPERATING ENGINEERS
LOCAL 12 TRUST FUNDS; SOUTHERN
NEVADA LABORERS LOCAL 872 TRUST
FUNDS; AND CARPENTERS SOUTHWEST
ADMINISTRATIVE CORPORATION; HD
SUPPLY; RAFAEL CONSTRUCTION, INC.;
INLINE DISTRIBUTION; CASHMAN

1 EQUIPMENT COMPANY; DISCOUNT
2 DUMPSTERS DBA WESTERN ELITE;
3 HERC RENTALS, INC.; 3D CONCRETE,
4 INC.; DOES I through X, inclusive; AND ROE
5 CORPORATIONS I through X, inclusive;

Counterdefendants

6
7 Pursuant to Local Rule IA 11-6(c), Counterclaim Defendants, Southern Nevada Laborers
8 Local 872 Trust Funds,¹ through their counsel of record The Urban Law Firm, hereby stipulate
9 and respectfully request that the Court allow the withdrawal of The Urban Law Firm and
10 substitution of Brownstein Hyatt Farber Schreck, LLP as counsel of record for Counterclaim
11 Defendants.

12 Dated: September 9, 2019

THE URBAN LAW FIRM

/s/ Nathan R. Ring

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Attorneys for Counterclaim Defendants

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¹ The correct legal names of these trust funds are actually THE BOARD OF TRUSTEES OF THE CONSTRUCTION INDUSTRY AND LABORERS HEALTH AND WELFARE TRUST; THE BOARD OF TRUSTEES OF THE CONSTRUCTION INDUSTRY AND LABORERS JOINT PENSION TRUST; THE BOARD OF TRUSTEES OF THE CONSTRUCTION INDUSTRY AND LABORERS VACATION TRUST; THE BOARD OF TRUSTEES OF SOUTHERN NEVADA LABORERS LOCAL 872 TRAINING TRUST

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Dated: September 9, 2019

BROWNSTEIN HYATT FARBER SCHRECK, LLP

/s/ Adam P. Segal

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Substituting Attorney for Counterclaim Defendants

Dated: September 9, 2019

/s/ Thomas White

Thomas White, Chairman
Laborers Joint Trust Funds
2345 Red Rock Street, Suite 300
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Telephone: (702) 318-6760
Facsimile: (702) 318-6761
On behalf of the Counterclaim Defendants

Dated: 9/11/2019

IT IS SO ORDERED:



United States Magistrate Judge

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CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Civil Procedure 5(b), I certify that I am an employee of The Urban Law Firm and that on this 9th day of September, 2019, I served a true copy of the foregoing **STIPULATION AND ORDER FOR WITHDRAWAL AND SUBSTITUTION OF COUNSEL FOR COUNTERCLAIM DEFENDANTS** via the Court's CM/ECF system upon the following parties:

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Attorney for Counterdefendant 3D Concrete,
Inc.

10 I declare under penalty of perjury that the foregoing is true and correct.

11 /s/ April Denni
12 An employee of The Urban Law Firm

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