

Electronically Filed
Sep 13 2019 02:14 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

NOAS
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*Attorneys for Defendants Foremost Insurance Company,
Grand Rapids, Michigan, Mid-Century Insurance Company
And Farmers Insurance Exchange*

DISTRICT COURT

CLARK COUNTY NEVADA

FILIPPO SCIARRATTA, an individual,

Plaintiff,

vs.

JONAS STOSS, an individual; FOREMOST
INSURANCE COMPANY GRAND RAPIDS
MICHIGAN, a Michigan Corporation; MID-
CENTURY INSURANCE, a California
Corporation; and DOES I through X, inclusive; and
ROE CORPORATIONS I through X, inclusive,

Defendants.

Case No. A-17-756368-C

Dept. No. 27

NOTICE OF APPEAL

FOREMOST INSURANCE COMPANY GRAND
RAPIDS MICHIGAN, a Michigan Corporation;
MID-CENTURY INSURANCE, LLC, a California
Limited Liability Company; and FARMERS
INSURANCE EXCHANGE, a California Inter-
Insurance Exchange,

Counterclaimants,

vs.

FILIPPO SCIARRATA, an individual; and JONAS
STOSS, an individual,

Counter/Cross Defendants.

Notice is hereby given that Defendants/Counter-claimants Foremost Insurance Company, Mid-Century Insurance Company and Farmers Insurance Exchange (the "Farmers Entities") hereby appeal to the

1 Supreme Court of Nevada from the Final Judgment entered on August 28, 2019 in favor of Plaintiff Filippo
2 Sciarratta on the Fourth Claim for Relief in the Farmers Entities' Counter/Cross Claim related to the Mid-
3 Century Policy.

4 RESPECTFULLY SUBMITTED this 9th day of September 2019.

6 CHRISTIAN, KRAVITZ, DICHTER, JOHNSON
& SLUGA, PLLC

7 By: /s/ Gena L. Sluga
8 Gena L. Sluga
9 Cara L. Christian
8985 Eastern Avenue, Suite 200
Las Vegas, Nevada 89123
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10 gsluga@cdslawfirm.com
11 cchristian@cdslawfirm.com

12 David J. Feldman
13 THE FELDMAN FIRM
8831 West Sahara Avenue
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14 Tel: (702) 949-5096
15 dfeldman@feldmangraf.com

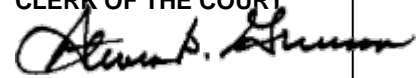
16 *Attorneys for Defendants Foremost Insurance Company,*
17 *Grand Rapids, Michigan, Mid-Century Insurance Company*
18 *And Farmers Insurance Exchange*

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2019 via electronic service addressed as follows:

Phillip R. Emerson
Pedro Cisneros
EMERSON LAW GROUP
1055 Whitney Ranch Drive, Suite 120
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Pedro@emersonlawgroup.com
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Attorney for Defendant Jonas Stoss

An Employee of Christian, Kravitz, Dichter, Johnson & Sluga, PLLC



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*Attorneys for Defendants Foremost Insurance Company,
Grand Rapids, Michigan, Mid-Century Insurance Company
And Farmers Insurance Exchange*

DISTRICT COURT

CLARK COUNTY NEVADA

FILIPPO SCIARRATTA, an individual,

Plaintiff,

vs.

JONAS STOSS, an individual; FOREMOST
INSURANCE COMPANY GRAND RAPIDS
MICHIGAN, a Michigan Corporation; MID-
CENTURY INSURANCE, a California
Corporation; and DOES I through X, inclusive; and
ROE CORPORATIONS I through X, inclusive,

Defendants.

Case No. A-17-756368-C

Dept. No. 27

CASE APPEAL STATEMENT

FOREMOST INSURANCE COMPANY GRAND
RAPIDS MICHIGAN, a Michigan Corporation;
MID-CENTURY INSURANCE, LLC, a California
Limited Liability Company; and FARMERS
INSURANCE EXCHANGE, a California Inter-
Insurance Exchange,

Counterclaimants,

vs.

FILIPPO SCIARRATA, an individual; and JONAS
STOSS, an individual,

Counter/Cross Defendants.

1 **1. Name of appellant filing this case appeal statement:** Underlying Defendants/Counter-
2 claimants Foremost Insurance Company Grand Rapids Michigan, Mid-Century Insurance Company and
3 Farmers Insurance Exchange.

4 **2. Identify the judge issuing the decision, judgment or order appealed from:** Judge Nancy
5 Allf.

6 **3. Identify each appellant and the name and address of counsel for each appellant:**
7 Foremost Insurance Company Grand Rapids Michigan, Mid-Century Insurance Company and Farmers
8 Insurance Exchange are collectively represented by the following counsel:

9 Gena L. Sluga, 9910
10 gsluga@cdslawfirm.com
11 Cara L. Christian, 14356
12 cchristian@cdslawfirm.com
13 Christian, Kravitz, Dichter, Johnson & Sluga, PLLC
14 8985 Eastern Avenue, Suite 200
15 Las Vegas, Nevada 89123
16 Telephone: (702) 362-6666
17 Facsimile: (702) 992-1000

18 David J. Feldman, 5947
19 dfeldman@feldmangraf.com
20 The Feldman Firm
21 8831 West Sahara Avenue
22 Las Vegas, NV 89117
23 Tel: (702) 949-5096
24 Fax: (702) 949-5097

25 **4. Identify each respondent and the name and address of appellate counsel, if known, for**
26 **each respondent:** Underlying Plaintiff Filippo Sciarratta is represented by:

27 Jordan P. Schnitzer, 10744
28 jordan@theschnitzerlawfirm.com
29 THE SCHNITZER LAW FIRM
30 9205 W. Russell Road, Suite 240
31 Las Vegas, Nevada 89148
32 Telephone: (702) 960-4050
33 Facsimile: (702) 960-4092

34 **5. Indicate whether any attorney identified above in response to question 3 or 4 is not**
35 **licensed to practice law in Nevada and, if so, whether the district court granted that attorney**
36

permission to appear under SCR 42: All of the attorneys identified above are licensed to practice law in Nevada.

6: Indicate whether appellant was represented by appointed or retained counsel in the district court: Yes – by the retained counsel identified in response to question 3.

7: Indicate whether appellant is represented by appointed or retained counsel on appeal: Yes – by the retained counsel identified in response to question 4.

8: Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave: No.

9: Indicate the date of the proceedings commenced in the district court: 06/02/2017.

10: Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:
The underlying tort action is grounded in the injuries Mr. Sciarratta is alleged to have sustained in a June 2015 motorcycle accident. Appellant insurers (against whom breach of contract, breach of fiduciary duty, misrepresentation and bad faith claims were initiated) counterclaimed for declaratory relief seeking a declaration of the parties' rights and obligations under policies of insurance issued to Mr. Sciarratta and his ex-wife. The judgment from which Appellants appeal was entered following the Appellants' Rule 56 Motion requesting a disposition of the count devoted to the benefits extended to Mr. Sciarratta under the Mid-Century auto policy at issue.

11: Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding: No.

12: Indicate whether this appeal involves child custody or visitation: No.

13: If this is a civil case, indicate whether this appeal involves the possibility of settlement:
Yes.

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///

///

1 RESPECTFULLY SUBMITTED this 9th day of September 2019.

2 CHRISTIAN, KRAVITZ, DICHTER, JOHNSON
3 & SLUGA, PLLC

4 By: /s/ Gena L. Sluga
5 Gena L. Sluga
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17 dfeldman@feldmangraf.com

18 *Attorneys for Defendants Foremost Insurance Company,*
19 *Grand Rapids, Michigan, Mid-Century Insurance Company*
20 *And Farmers Insurance Exchange*
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September 2019 via electronic service addressed as follows:

Phillip R. Emerson
Pedro Cisneros
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Attorney for Defendant Jonas Stoss

An Employee of Christian, Kravitz, Dichter, Johnson & Sluga, PLLC

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-17-756368-C

Filippo Sciarratta, Plaintiff(s)
vs.
Jonas Stoss, Defendant(s)

§
§
§
§
§

Location: **Department 27**
 Judicial Officer: **Allf, Nancy**
 Filed on: **06/02/2017**
 Case Number History:
 Cross-Reference Case Number: **A756368**

CASE INFORMATION

Case Type: **Negligence - Auto**

Case Status: **06/02/2017 Open**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-17-756368-C
 Court Department 27
 Date Assigned 03/02/2018
 Judicial Officer Allf, Nancy

PARTY INFORMATION

		<i>Lead Attorneys</i>
Plaintiff	Sciarratta, Filippo	Schnitzer, Jordan <i>Retained</i> 702-960-4050(W)
Defendant	Foremost Insurance Company Grand Rapids Michigan	Feldman, David J <i>Retained</i> 702-949-5096(W)
	Mid-Century Insurance	Feldman, David J <i>Retained</i> 702-949-5096(W)
	Sciarratta, Cynthia Removed: 09/20/2017 Dismissed	
	Stoss, Jonas	Emerson, Phillip R <i>Retained</i> 7023849444(W)
Counter Claimant	Farmers Insurance Exchange Removed: 03/26/2018 Data Entry Error	
	Foremost Insurance Company Grand Rapids Michigan	Feldman, David J <i>Retained</i> 702-949-5096(W)
	Mid-Century Insurance	Feldman, David J <i>Retained</i> 702-949-5096(W)
Counter Defendant	Sciarratta, Filippo	Schnitzer, Jordan <i>Retained</i> 702-960-4050(W)
Cross Claimant	Farmers Insurance Exchange Removed: 03/26/2018	

CASE SUMMARY**CASE NO. A-17-756368-C**

Data Entry Error

Foremost Insurance Company Grand Rapids Michigan**Feldman, David J***Retained*











702-949-5096(W)

Mid-Century Insurance**Feldman, David J***Retained*

702-949-5096(W)

Cross Defendant Stoss, Jonas**Emerson, Phillip R***Retained*

7023849444(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
	<u>EVENTS</u>	
06/02/2017	 Complaint Filed By: Counter Defendant Sciarratta, Filippo <i>Complaint</i>	
06/02/2017	 Initial Appearance Fee Disclosure Filed By: Counter Defendant Sciarratta, Filippo <i>Initial Appearance Fee Disclosure</i>	
06/02/2017	 Summons Electronically Issued - Service Pending Party: Counter Defendant Sciarratta, Filippo <i>Summons</i>	
06/02/2017	 Summons Electronically Issued - Service Pending Party: Counter Defendant Sciarratta, Filippo <i>Summons</i>	
07/01/2017	Case Reassigned to Department 28 <i>Civil Case Reassignment to Judge Ronald J. Israel</i>	
09/06/2017	 Acceptance of Service Filed By: Counter Defendant Sciarratta, Filippo <i>Acceptance of Service</i>	
09/20/2017	 Initial Appearance Fee Disclosure <i>Initial Appearance fee Disclosure</i>	
09/20/2017	 Demand for Jury Trial <i>Demand for Jury Trial</i>	
09/20/2017	 Answer to Complaint <i>Defendant, Jonas Stoss' Answer to Plaintiff's Complaint</i>	
09/20/2017	 Voluntary Dismissal Without Prejudice Filed By: Counter Defendant Sciarratta, Filippo <i>Voluntary Dismissal Without Prejudice</i>	
10/20/2017	 Commissioners Decision on Request for Exemption - Granted <i>Commissioner's Decision on Request for Exemption - Granted</i>	
11/17/2017		

CASE SUMMARY

CASE NO. A-17-756368-C

	 Motion to Amend Complaint Filed By: Counter Defendant Sciarratta, Filippo <i>Motion to Amend Complaint</i>
12/14/2017	 Opposition to Motion Filed By: Cross Defendant Stoss, Jonas <i>(12/14/17 Withdrawn) Defendant's Opposition to Plaintiff's Motion to Amend Complaint</i>
12/14/2017	 Notice of Withdrawal Filed By: Cross Defendant Stoss, Jonas <i>Notice of Withdrawing Defendant's Opposition to Plaintiff's Motion to Amend Complaint</i>
01/12/2018	 Order Granting Motion Filed By: Counter Defendant Sciarratta, Filippo <i>Order Granting Motion To Amend</i>
01/12/2018	 Amended Complaint Filed By: Counter Defendant Sciarratta, Filippo <i>Amended Complaint</i>
01/16/2018	 Notice of Entry of Order Filed By: Counter Defendant Sciarratta, Filippo <i>Notice of Entry of Order Granting Motion to Amend</i>
01/16/2018	 Summons Electronically Issued - Service Pending Party: Counter Defendant Sciarratta, Filippo <i>Summons</i>
01/16/2018	 Summons Electronically Issued - Service Pending Party: Counter Defendant Sciarratta, Filippo <i>Summons</i>
01/19/2018	 Answer to Amended Complaint Filed By: Cross Defendant Stoss, Jonas <i>Defendant, Jonas Stoss' Answer to Plaintiff's Amended Complaint</i>
02/02/2018	 Affidavit of Service Filed By: Counter Defendant Sciarratta, Filippo <i>Affidavit of Service Mid-Century</i>
02/02/2018	 Affidavit of Service Filed By: Counter Defendant Sciarratta, Filippo <i>Affidavit of Service Foremost</i>
02/28/2018	 Answer to Amended Complaint Filed By: Cross Claimant Foremost Insurance Company Grand Rapids Michigan; Cross Claimant Mid-Century Insurance <i>Defendant's Answer to Plaintiff's Amended Complaint</i>
02/28/2018	 Demand for Jury Trial Filed By: Cross Claimant Foremost Insurance Company Grand Rapids Michigan; Cross Claimant Mid-Century Insurance <i>Demand for Jury Trial</i>

CASE SUMMARY

CASE NO. A-17-756368-C

02/28/2018	 Peremptory Challenge Filed by: Cross Claimant Foremost Insurance Company Grand Rapids Michigan; Cross Claimant Mid-Century Insurance <i>Peremptory Challenge of Judge</i>
03/01/2018	 Joint Case Conference Report Filed By: Counter Defendant Sciarratta, Filippo <i>Joint Case Conference Report</i>
03/01/2018	 Initial Appearance Fee Disclosure Filed By: Cross Claimant Foremost Insurance Company Grand Rapids Michigan; Cross Claimant Mid-Century Insurance <i>Initial Appearance Fee Disclosure</i>
03/02/2018	 Notice of Department Reassignment <i>Notice of Department Reassignment</i>
03/26/2018	 Amended Answer Filed By: Cross Claimant Foremost Insurance Company Grand Rapids Michigan; Cross Claimant Mid-Century Insurance <i>Amended Answer and Counter/Cross Claims for Declaratory Relief</i>
04/03/2018	 Answer to Counterclaim Filed By: Cross Defendant Stoss, Jonas <i>Defendant/Cross Defendant, Jonas Stoss' Answer to Counterclaimants' Counter/Cross Claims for Declaratory Relief</i>
04/16/2018	 Notice to Appear for Discovery Conference <i>Notice to Appear for Discovery Conference</i>
04/17/2018	 Notice of Appearance Party: Cross Claimant Foremost Insurance Company Grand Rapids Michigan; Cross Claimant Mid-Century Insurance <i>Notice of Appearance</i>
04/20/2018	 Motion for More Definite Statement Filed By: Counter Defendant Sciarratta, Filippo <i>Plaintiff's Motion for More Definite Statement and Motion to Strike</i>
05/09/2018	 Response Filed by: Cross Claimant Foremost Insurance Company Grand Rapids Michigan; Cross Claimant Mid-Century Insurance <i>Response to Plaintiff's Motion for More Definite Statement and Motion to Strike</i>
05/09/2018	 Joinder to Case Conference Report Filed By: Cross Claimant Foremost Insurance Company Grand Rapids Michigan; Cross Claimant Mid-Century Insurance; Cross Claimant Farmers Insurance Exchange <i>Defendants/ Counterclaimants Foremost Insurance Company Grand Rapids Michigan s, Mid-Century Insurance s, and Counterclaimant Farmers Insurance Exchange s Joinder to the Joint Case Conference Report</i>
05/18/2018	 Stipulation and Order Filed by: Cross Claimant Foremost Insurance Company Grand Rapids Michigan; Cross Claimant Mid-Century Insurance; Cross Claimant Farmers Insurance Exchange <i>Joint Stipulation and Order to Reschedule Hearing</i>

CASE SUMMARY

CASE NO. A-17-756368-C

05/23/2018	 Scheduling Order <i>Scheduling Order</i>
05/23/2018	 Reply to Opposition Filed by: Counter Defendant Sciarratta, Filippo <i>Plaintiff's Reply To Defendants/Counter And Cross-Claimants' Response To Plaintiff's Motion For More Definite Statement And Motion To Strike</i>
05/31/2018	 Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call Filed By: Counter Defendant Sciarratta, Filippo <i>Order Setting Civil Jury Trial, Pre-Trial Conference/Calendar Call and Status Check</i>
06/29/2018	 Order Denying Motion Filed By: Cross Claimant Foremost Insurance Company Grand Rapids Michigan <i>Order Denying Plaintiff's Motion for More Definite Statement and Motion to Strike</i>
07/09/2018	 Notice of Entry of Order Filed By: Cross Claimant Foremost Insurance Company Grand Rapids Michigan; Cross Claimant Mid-Century Insurance; Cross Claimant Farmers Insurance Exchange <i>Notice of Entry of Order re Order Denying Plaintiff's Motion for More Definite Statement & Motion to Strike</i>
08/03/2018	 Answer to Counterclaim Filed By: Counter Defendant Sciarratta, Filippo <i>Counter/Cross Defendant, Filippo Sciarratta's Answer To Counterclaimants Foremost Insurance Company, Mid-Century Insurance Llc, And Farmers Insurance Exchange's Amended Answer And Counter/Cross Claims For Declaratory Relief</i>
01/25/2019	 Motion for Summary Judgment Filed By: Cross Claimant Foremost Insurance Company Grand Rapids Michigan; Cross Claimant Mid-Century Insurance <i>DEFENDANTS/COUNTER- AND CROSS-CLAIMANTS' MOTION FOR SUMMARY JUDGMENT</i>
01/29/2019	 Exhibits Filed By: Cross Claimant Foremost Insurance Company Grand Rapids Michigan; Cross Claimant Mid-Century Insurance <i>EXHIBITS TO DEFENDANTS/COUNTER- AND CROSS-CLAIMANTS MOTION FOR SUMMARY JUDGMENT</i>
02/08/2019	 Motion to Compel Filed By: Counter Defendant Sciarratta, Filippo <i>Plaintiff's Motion to Compel</i>
02/12/2019	 Opposition to Motion For Summary Judgment Filed By: Counter Defendant Sciarratta, Filippo <i>Plaintiff's Opposition to Defendants/Counter and Cross-Claimants Foremost Insurance Company, Mid-Century Insurance Company and Farmers Insurance Exchange's Motion for Summary Judgment</i>
02/14/2019	 Notice of Non Opposition <i>(Withdrawn 2/15/19) Notice of Non-Opposition to Mid-Century Insurance Company and Farmers Insurance Exchange's Motion for Summary Judgment</i>
02/14/2019	 Motion

CASE SUMMARY

CASE NO. A-17-756368-C

Filed By: Counter Defendant Sciarratta, Filippo
Plaintiff's Motion to Exceed Brief Size on Order Shortening Time

02/15/2019



Notice of Withdrawal

Notice of Withdrawal of Non-Opposition

02/15/2019



Opposition

Defendant/Cross-Defendant Jonas Stoss's Limited Opposition to Defendants/Counter-and-Cross Claimants Foremost Insurance Company, Mid-Centertury Insurance Company and Farmers Insurance Exchange's Motion for Summary Judgment

02/21/2019



Reply to Opposition

Filed by: Cross Claimant Foremost Insurance Company Grand Rapids Michigan; Cross Claimant Mid-Century Insurance
DEFENDANTS/COUNTER-CLAIMANTS FOREMOST, MID-CENTURY AND FARMERS INSURANCE EXCHANGE S REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

02/28/2019



Response

Filed by: Cross Claimant Foremost Insurance Company Grand Rapids Michigan; Cross Claimant Mid-Century Insurance
Defendants/Counter-Claimants Foremost, MD-Century and Farmers Insurance Exchange's Response to Motion to Compel

03/07/2019



Reply to Opposition

Filed by: Counter Defendant Sciarratta, Filippo
Plaintiff's Reply to Defendants' Opposition to Motion to Compel

03/19/2019



Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call

Order Re-Setting Civil Jury Trial and Calendar Call

03/20/2019



Stipulation and Order

Stipulation and Order to Continue Discovery

03/20/2019



Notice of Entry of Order

Notice of Entry of Order of Stipulation and Order to Continue Discovery

03/26/2019



Notice

Notice of Entry of Decision and Order

03/26/2019



Decision and Order

Decision and Order

04/04/2019



Order Granting Motion

Filed By: Counter Defendant Sciarratta, Filippo
Order Granting in Part, Denying in Part and Denying in Part Without Prejudice Plaintiff's Motion to Compel

04/05/2019



Notice of Entry of Order

Filed By: Counter Defendant Sciarratta, Filippo
Notice of Entry of Order on Order Granting in Part, Denying in Part and Denying in Part Without Prejudice Plaintiff's Motion to Compel

04/23/2019



Motion for Relief

Filed By: Cross Claimant Foremost Insurance Company Grand Rapids Michigan; Cross

CASE SUMMARY

CASE NO. A-17-756368-C

Claimant Mid-Century Insurance
Defendants/Counter-Claimants' Rule 60 Motion for Relief from March 26, 2019 Order and Request for Clarification

04/23/2019



Clerk's Notice of Hearing
Notice of Hearing

05/07/2019



Notice of Non Opposition
 Filed By: Cross Defendant Stoss, Jonas
Defendant/Cross-Defendant Jonas Stoss' Notice of Non-Opposition to Defendants/Counter-Claimants Foremost, Mid-Century and Farmers Insurance Exchange's Rule 60 Motion for Relief from March 26, 2019 Order and Request for Clarification

05/17/2019



Opposition and Countermotion
 Filed By: Counter Defendant Sciarratta, Filippo
Plaintiff's Opposition to Defendants/Counter and Cross-Claimants Foremost Insurance Company, Mid-Century Insurance Company and Farmers Insurance Exchange's Rule 60 Motion For Relief From March 26, 2019 Order and Request For Clarification and Plaintiff's Motion to Reconsider The Court's Decision and Order

05/31/2019



Reply in Support
 Filed By: Cross Claimant Foremost Insurance Company Grand Rapids Michigan; Cross Claimant Mid-Century Insurance
Defendants/Counter-Claimants Foremost, Mid-Century and Farmers Insurance Exchange's Reply in Support of Rule 60 Motion and Opposition to Plaintiff's Motion for Reconsideration

06/03/2019



Reply to Opposition
 Filed by: Counter Defendant Sciarratta, Filippo
Plaintiff's Reply to Defendants' Opposition to Plaintiff's Motion for Reconsideration

06/18/2019



Decision and Order
Decision & Order

06/18/2019



Notice of Entry of Decision and Order
Notice of Entry of Decision & Order

08/28/2019



Stipulation and Order
 Filed by: Cross Claimant Foremost Insurance Company Grand Rapids Michigan; Cross Claimant Mid-Century Insurance
Stipulation and Order re Entry of Final Judgment on Second and Fourth Claims for Relief in Counter/Cross Claim

08/29/2019



Stipulation and Order to Extend Discovery Deadlines
 Filed By: Counter Defendant Sciarratta, Filippo
Stipulation and Order to Continue and Stay Discovery (Second Request)

08/29/2019



Notice of Entry of Order
 Filed By: Cross Claimant Foremost Insurance Company Grand Rapids Michigan; Cross Claimant Mid-Century Insurance
Notice of Entry of Order

08/29/2019



Notice of Entry of Stipulation and Order
 Filed By: Counter Defendant Sciarratta, Filippo
Notice of Stipulation and Order to Continue and Stay Discovery (Second Request)

09/09/2019

CASE SUMMARY

CASE NO. A-17-756368-C



Notice of Appeal

Filed By: Cross Claimant Foremost Insurance Company Grand Rapids Michigan; Cross Claimant Mid-Century Insurance
Notice of Appeal

09/09/2019



Case Appeal Statement

Filed By: Cross Claimant Foremost Insurance Company Grand Rapids Michigan; Cross Claimant Mid-Century Insurance
Case Appeal Statement

DISPOSITIONS

09/20/2017

Dismissal Pursuant to NRCP 41 (Judicial Officer: Israel, Ronald J.)

Debtors: Cynthia Sciarratta (Defendant)

Creditors: Filippo Sciarratta (Plaintiff)

Judgment: 09/20/2017, Docketed: 09/21/2017

HEARINGS

01/03/2018



Motion to Amend Complaint (3:00 AM) (Judicial Officer: Israel, Ronald J.)

Granted;

Journal Entry Details:

Upon review of the papers and pleadings on file in this Matter, the Motion to Amend Complaint, There being good cause appearing, COURT ORDERED, motion GRANTED and signed order in chambers 01/03/18. CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: Phillip Emerson, Esq. and Jordan Schnitzer, Esq. kk 01/04/18.;

05/15/2018

CANCELED Discovery Conference (10:00 AM) (Judicial Officer: Bulla, Bonnie)

Vacated - per Commissioner

Discovery Conference

06/13/2018



Motion for More Definite Statement (9:30 AM) (Judicial Officer: Allf, Nancy)

Plaintiff's Motion for More Definite Statement and Motion to Strike

Denied;

Journal Entry Details:

Hayley N. Bennett, Esq. present on behalf of Defendant Jonas Stoss. Arguments by Mr. Schnitzer and Ms. Sluga regarding the merits of and opposition to the motion. Ms. Bennett stated she had nothing to add. Court stated its findings and ORDERED, Plaintiff's Motion for More Definite Statement and Motion to Strike DENIED. Ms. Sluga to prepare the order and submit it to other counsel for approval.;

02/20/2019



Minute Order (3:00 AM) (Judicial Officer: Allf, Nancy)

Minute Order: Plaintiff's Motion to Exceed Brief Size on Order Shortening Time set on 2/21/2019 GRANTED and VACATED




Minute Order - No Hearing Held; Minute Order: Plaintiff's Motion to Exceed Brief Size on Order Shortening Time set on 2/21/2019 GRANTED and VACATED

Journal Entry Details:

COURT FINDS after review on February 14, 2019, the Plaintiff's Motion to Exceed Brief Size on Order Shortening Time (Motion) was filed with the Court and the matter was set on Motions Calendar for February 21, 2019 at 9:30 a.m. All oppositions to the Motion were required to be filed by 5:00 p.m. on February 19, 2019. COURT FURTHER FINDS after review that the Motion was served electronically upon Plaintiff on February 12, 2019 pursuant to the Certificate of Service attached thereto. COURT FURTHER FINDS after review EDCR 2.20(e) provides in relevant part: Failure of the opposing party to serve and file written opposition may be construed as an admission that the motion and/or joinder is meritorious and a consent to granting the same. COURT FURTHER FINDS after review no oppositions to the Motion have been filed. COURT ORDERS for good cause appearing and after review pursuant to the merits of the Motion and EDCR 2.20(e), the Motion is hereby GRANTED and the hearing set on Motions Calendar for February 21, 2019 at 9:30 a.m. is hereby VACATED. Movant to prepare the Order in compliance with EDCR 7.21. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 2/10/2019;

CASE SUMMARY


CASE NO. A-17-756368-C

02/21/2019	CANCELED Motion (9:30 AM) (Judicial Officer: Allf, Nancy) <i>Vacated</i> <i>Plaintiff's Motion to Exceed Brief Size on Order Shortening Time</i>
02/28/2019	 Motion for Summary Judgment (10:30 AM) (Judicial Officer: Allf, Nancy) <i>Defendant /Counter and Cross Claimants Foremost Mid Century Insurance Company and Farmer's Insurance Exchange's Motion for Summary Judgment</i> Granted in Part; Journal Entry Details: <i>Arguments by counsel regarding the merits of the motion. COURT ORDERED, matter TRAILED. MATTER RECALLED. All parties present as before. Further arguments by counsel. COURT ORDERED, matter UNDER SUBMISSION.;</i>
03/12/2019	 Status Check (3:00 AM) (Judicial Officer: Allf, Nancy) <i>Status Check: Defendants/Counter- And Cross-Claimants Foremost Insurance Company, Mid-Century Insurance Company and Farmers Insurance Exchange's Motion For Summary Judgment</i> Continued; Status Check: Defendants/Counter- And Cross-Claimants Foremost Insurance Company, Mid-Century Insurance Company and Farmers Insurance Exchange's Motion For Summary Judgment Journal Entry Details: <i>COURT FINDS after review that on January 25, 2019 Defendants/Counter- And Cross-Claimants Foremost Insurance Company, Mid-Century Insurance Company and Farmers Insurance Exchange's Motion For Summary Judgment ("Motion") was filed with the Court and the matter was set for hearing before the Court on February 28, 2019. COURT FURTHER FINDS after review that the Court heard oral arguments on the Motion on February 28, 2019. The Court took the matter under submission and set a Status Check for March 12, 2019 on Chambers Calendar for the Court to issue its decision. COURT ORDERS for good cause appearing and after review the date set for the Court to issue a Decision on the Motion is hereby CONTINUED to March 19, 2019; the Court will either release a Decision by March 19, 2019 at 5:00 p.m., or provide a prospective future date to expect it. CONTINUED TO: 3/19/19 (CHAMBERS) CLERK'S NOTE: Counsel are to ensure a copy of the forgoing minute order is distributed to all interested parties; additionally, a copy of the foregoing minute order was distributed to the registered service recipients via Odyssey eFileNV E-Service (3/12/19 amn).;</i>
03/14/2019	 Motion to Compel (9:30 AM) (Judicial Officer: Allf, Nancy) <i>Plaintiff's Motion to Compel</i> Granted in Part; continuance hearing set on the wrong matter; therefore, 3/14/19 date stands Journal Entry Details: <i>Tiffany Auber, Esq. present for Defendant Jonas Stoss. Arguments by Mr. Schnitzer and Ms. Sluga regarding the merits of and opposition to the motion. COURT ORDERED, Plaintiff's Motion to Compel GRANTED IN PART as to request numbers three, six, seven, eight, nine, eleven, twelve and DENIED IN PART as to request numbers four and five. Mr. Schnitzer to prepare the order and provide it to opposing counsel for approval as to form and content.;</i>
06/06/2019	CANCELED Status Check (9:30 AM) (Judicial Officer: Allf, Nancy) <i>Vacated</i>
06/06/2019	Motion for Relief (10:00 AM) (Judicial Officer: Allf, Nancy) Events: 04/23/2019 Motion for Relief <i>Defendants/Counter-Claimants' Rule 60 Motion for Relief from March 26, 2019 Order and Request for Clarification</i> Denied;
06/06/2019	Opposition and Countermotion (10:00 AM) (Judicial Officer: Allf, Nancy) <i>Plaintiff's Opposition to Defendants/Counter-and Cross-Claimants Foremost Insurance Company, Mid-Century Insurance Company and Farmers Insurance Exchange's Rule 60 Motion for Relief from March 26, 2019 Order and Request for Clarification and Plaintiff's Motion to Reconsider the Court's Decision and Order</i>

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-17-756368-C

	Denied;
06/06/2019	 All Pending Motions (10:00 AM) (Judicial Officer: Allf, Nancy) Matter Heard; Journal Entry Details: <i>DEFENDANTS/COUNTER-CLAIMANTS' RULE 60 MOTION FOR RELIEF FROM MARCH 26, 2019 ORDER AND REQUEST FOR CLARIFICATION...PLAINTIFF'S OPPOSITION TO DEFENDANTS/COUNTER-AND CROSS-CLAIMANTS FOREMOST INSURANCE COMPANY, MID-CENTURY INSURANCE COMPANY AND FARMERS INSURANCE EXCHANGE'S RULE 60 MOTION FOR RELIEF FROM MARCH 26, 2019 ORDER AND REQUEST FOR CLARIFICATION AND PLAINTIFF'S MOTION TO RECONSIDER THE COURT'S DECISION AND ORDER</i> Court noted its inclined ruling as to the motions. Arguments by Ms. Sluga and Mr. Schnitzer regarding the merits of and opposition to the motion. COURT ORDERED, Defendants/Counter-Claimants' Rule 60 Motion for Relief from March 26, 2019 Order and Request for Clarification and Plaintiff's Opposition to Defendants/Counter-and Cross-Claimants Foremost Insurance Company, Mid-Century Insurance Company and Farmers Insurance Exchange's Rule 60 Motion for Relief from March 26, 2019 Order and Request for Clarification and Plaintiff's Motion to Reconsider the Court's Decision and Order TAKEN UNDER ADVISEMENT for Court to re-review matter. COURT FURTHER ORDERED, status check SET on chambers calendar for decision. 6/18/2019 (CHAMBERS) DEFENDANTS/COUNTER-CLAIMANTS' RULE 60 MOTION FOR RELIEF FROM MARCH 26, 2019 ORDER AND REQUEST FOR CLARIFICATION; PLAINTIFF'S OPPOSITION TO DEFENDANTS/COUNTER-AND CROSS-CLAIMANTS FOREMOST INSURANCE COMPANY, MID-CENTURY INSURANCE COMPANY AND FARMERS INSURANCE EXCHANGE'S RULE 60 MOTION FOR RELIEF FROM MARCH 26, 2019 ORDER AND REQUEST FOR CLARIFICATION AND PLAINTIFF'S MOTION TO RECONSIDER THE COURT'S DECISION AND ORDER ;
06/18/2019	CANCELED Decision (3:00 AM) (Judicial Officer: Allf, Nancy) <i>Vacated</i> <i>Decision: Defendants/Counter-Claimants' Rule 60 Motion for Relief from March 26, 2019 Order and Request for Clarification and Defendants/Counter-Claimants' Rule 60 Motion for Relief from March 26, 2019 Order and Request for Clarification and Plaintiff's Opposition to Defendants/Counter-and Cross-Claimants Foremost Insurance Company, Mid-Century Insurance Company and Farmers Insurance Exchange's Rule 60 Motion for Relief from March 26, 2019 Order and Request for Clarification and Plaintiff's Motion to Reconsider the Court's Decision and Order</i>
08/22/2019	CANCELED Pretrial/Calendar Call (10:31 AM) (Judicial Officer: Allf, Nancy) <i>Vacated</i>
08/26/2019	CANCELED Jury Trial (10:30 AM) (Judicial Officer: Allf, Nancy) <i>Vacated - per Stipulation and Order</i>
10/08/2019	Status Check: Trial Setting (3:00 AM) (Judicial Officer: Allf, Nancy) <i>IN HOUSE - SUPREME COURT RULING</i>
10/17/2019	CANCELED Calendar Call (10:30 AM) (Judicial Officer: Allf, Nancy) <i>Vacated - per Stipulation and Order</i>
10/21/2019	CANCELED Jury Trial (10:30 AM) (Judicial Officer: Allf, Nancy) <i>Vacated - per Stipulation and Order</i>

DATE	FINANCIAL INFORMATION	
	Cross Claimant Foremost Insurance Company Grand Rapids Michigan	
	Total Charges	224.00
	Total Payments and Credits	224.00
	Balance Due as of 9/11/2019	0.00
	Cross Claimant Mid-Century Insurance	
	Total Charges	703.00
	Total Payments and Credits	703.00
	Balance Due as of 9/11/2019	0.00

CASE SUMMARY

CASE NO. A-17-756368-C

Cross Defendant Stoss, Jonas

Total Charges

223.00

Total Payments and Credits

223.00

Balance Due as of 9/11/2019

0.00

Counter Defendant Sciarratta, Filippo

Total Charges

270.00

Total Payments and Credits

270.00

Balance Due as of 9/11/2019

0.00

DISTRICT COURT CIVIL COVER SHEET

A-17-756368-C

County, Nevada

Case No. _____

Department 21

(Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone):

Defendant(s) (name/address/phone):

Attorney (name/address/phone):

Attorney (name/address/phone):

II. Nature of Controversy (please select the one most applicable filing type below)**Civil Case Filing Types**

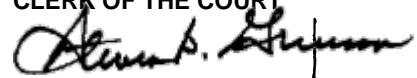
Real Property	Negligence	Torts
Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate	Construction Defect & Contract	Judicial Review/Appeal
Probate (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ	Other Civil Filing	
Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ	Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters	

Business Court filings should be filed using the Business Court civil coversheet.

Date

Signature of initiating party or representative

See other side for family-related case filings.



1 SAO
2 David J. Feldman, Esq.
3 Nevada Bar No. 5947
4 John C. Dorame, Esq.
5 Nevada Bar No. 10029
6 THE FELDMAN FIRM
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jdorame@feldmanattorneys.com
*Attorneys for Defendants Foremost Insurance
Company/Mid-Century Insurance Company
Attorneys for Defendants Foremost Insurance*

DISTRICT COURT

CLARK COUNTY, NEVADA

FILIPPO SCIARRATTA, an individual,
Plaintiff,

Case No. A-17-756368-C

Dept. No. 27

vs.

JONAS STOSS, an individual; FOREMOST
INSURANCE COMPANY GRAND RAPIDS
MICHIGAN, a Michigan Corporation; MID-
CENTURY INSURANCE, a California
Corporation; and DOES I through X, inclusive; and
ROE CORPORATIONS I through X, inclusive,

Defendants.

**STIPULATION AND PROPOSED
ORDER RE ENTRY OF FINAL
JUDGMENT ON SECOND AND
FOURTH CLAIMS FOR RELIEF IN
COUNTER/CROSS CLAIM**

FOREMOST INSURANCE COMPANY GRAND
RAPIDS MICHIGAN, a Michigan Corporation;
MID-CENTURY INSURANCE, LLC, a California
Limited Liability Company; and FARMERS
INSURANCE EXCHANGE, a California Inter-
Insurance Exchange,

Counterclaimants,

vs.

FILIPPO SCIARRATA, an individual; and JONAS
STOSS, an individual,

Counter/Cross Defendants.

1 Plaintiff Filippo Sciarratta ("Plaintiff"), by and through his counsel of record, Jordan P. Schnitzer of
2 THE SCHNITZER LAW FIRM and Defendants/Counterclaimants, Foremost Insurance Company Grand
3 Rapids Michigan, Mid-Century and Farmers Insurance Exchange (collectively, the "Farmers Entities"), by
4 and through their counsel of record, Gena L. Sluga, Esq. of CHRISTIAN, KRAVITZ, DICHTER,
5 JOHNSON & SLUGA, PLLC and David J. Feldman, Esq. of THE FELDMAN FIRM, and Jonas Stoss
6 ("Stoss"), by and through his counsel of record, Philip R. Emerson of EMERSON LAW GROUP, hereby
7 stipulate as follows:
8

9
10 1. This action arises out of a June 3, 2015 motorcycle accident in which Plaintiff sustained
11 injuries while riding as a passenger on his own motorcycle. Defendant Stoss, the cousin of Plaintiff's wife,
12 Cynthia Sciarratta ("Cynthia") was driving the motorcycle at the time of the accident, and Plaintiff rode
13 behind him as a passenger.

14 2. The original June 2, 2017 Complaint included theories of tort liability against Cynthia and
15 Stoss, which included: 1: Negligence Per Se (against Stoss); 2: Negligence (against Stoss); and 3: Negligent
16 Entrustment (against Cynthia). On September 20, 2017, Plaintiff dismissed Cynthia from the action pursuant
17 to NCRP 41(a)(1).
18

19 3. In the January 12, 2018 Amended Complaint, Plaintiff introduced six claims against two of
20 the three Farmers Entities he had engaged in coverage discussions:

- 21 • Count three (the first): Breach of Contract- FOREMOST and MID-CENTURY
- 22 • Count three (the second): Tortious Breach of the Covenant of Good Faith and Fair Dealing – FOREMOST and MID-CENTURY
- 23 • Count four: Contractual Breach of the Covenant of Good Faith and Fair Dealing – MID-CENTURY
- 24 • Count five: Fraudulent and Intentional Misrepresentation – MID-CENTURY
- 25 • Count six: Negligent Misrepresentation – MID-CENTURY
- 26 • Count seven: Unjust Enrichment –MID-CENTURY and FOREMOST
- 27
- 28

1 4. In connection with their Answer to the Amended Complaint, the Farmers Entities brought
2 the following four cross- and counterclaims against Plaintiff and Stoss:

- 3 • DECLARATORY JUDGMENT – CONSTRUCTION OF MAY 12, 2017 RELEASE
- 4 • DECLARATORY JUDGMENT – UMBRELLA POLICY
- 5 • DECLARATORY JUDGMENT – FOREMOST MOTORCYCLE POLICY
- 6 • DECLARATORY JUDGMENT – MID-CENTURY AUTO POLICY

7 5. On January 25, 2019, the Farmers Entities brought before the Court their Motion for
8 Summary Judgment, in which they sought judgment in their favor on all claims at issue in this litigation.
9 The matter was heard on February 28, 2019, at which time this Court took the matter under advisement.

10 6. On March 26, 2019, this Court issued its Decision and Order on the Farmers Entities' Motion.
11 In so doing, this Court granted the Motion with respect to the Second Claim for Relief in the Counter/Cross
12 Claim related to the Farmers Insurance Exchange umbrella policy. In addition, this Court denied the Motion
13 with respect to Fourth Claim for Relief in the Counter/Cross Claim related to the Mid-Century Policy
14 involving the family exclusion codified in NRS 687B.147.

15 7. Plaintiff intends to appeal this Court's decision with respect to the Second Claim for Relief
16 in the Counter/Cross Claim related to the umbrella policy. The Farmers Entities intend to appeal this Court's
17 decision with respect to Fourth Claim for Relief in the Counter/Cross Claim related to the Mid-Century
18 Policy.
19

20 8. The parties agree that because an appeal will be filed from these final rulings, and the rulings
21 may impact remaining issues in the case, it is prudent to stay litigation on the remaining claims until after
22 appellate review has been completed. Therefore, the parties believe that entry of a final order pursuant to
23 Nevada Rule of Civil Procedure ("NRCP") 54(b) on the Second and Fourth Claims for Relief in the
24 Counter/Cross Claim is appropriate. The parties further agree that entry of a final order pursuant to NRCP
25 54(b) would enable Plaintiff and the Farmers Entities to appeal as of right.
26
27
28

1 9. The parties further ask this Court to enter a final judgment as to fewer than all the claims in
2 the case and to order that there is no just reason to delay appellate review. *See e.g. Hallicrafters Co. v.*
3 *Moore*, 102 Nev. 526, 528, 728 P.2d 441, 442 (1986)(holding “NRCP 54(b) provides that a judgment or
4 order of the district court which completely removes a party or a claim from a pending action may be
5 certified as final ‘only upon an express determination that there is *no just reason for delay*....’” (Emphasis
6 in original.); *Rae v. All Am. Life & Cas. Co.*, 95 Nev. 920, 922, 605 P.2d 196, 197 (1979)(“[t]he court may,
7 however, direct the entry of a final judgment as to fewer than all parties and make an express determination
8 that there is no reason for delay and direct the entry of judgment.”); *Mallin v. Farmers Ins. Exch.*, 106 Nev.
9 606, 610, 797 P.2d 978, 981 (1990), *overruled on other grounds by Matter of Estate of Sarge*, 134 Nev.
10 Adv. Op. 105, 432 P.3d 718 (2018)(holding “NRCP 54(b) clearly contemplates certification of a judgment
11 resolving a claim or removing a party.”)¹
12

13 10. Accordingly, the parties request the Court enter an order as follows:
14

- 15 a. Final judgment is entered in favor of the Farmers Entities with respect to the Second
16 Claim for Relief in the Counter/Cross Claim related to the Farmers Insurance
17 Exchange umbrella policy for the reasons set forth in the Court’s March 26, 2019
18 Decision and Order regarding the Farmers Entities’ Motion for Summary Judgment.
- 19 b. Final judgment is entered in favor of Plaintiff Filippo Sciarratta with respect to Fourth
20 Claim for Relief in the Counter/Cross Claim related to the Mid-Century Policy
21 regarding NRS 687B.147 for the reasons set forth in the Court’s March 26, 2019
22 Decision and Order regarding the Farmers Entities’ Motion for Summary Judgment.
23
24

25 ¹ In this regard, NRCP 54(b) provides in relevant part:
26

27 When an action presents more than one claim for relief--whether as a claim, counterclaim, crossclaim, or third-
28 party claim--or when multiple parties are involved, the court may direct entry of a final judgment as to one or
 more, but fewer than all, claims or parties only if the court expressly determines that there is no just reason for
 delay.

- 1 c. The Court expressly determines that there is no just reason to delay appellate review.
- 2 d. Further proceedings on all remaining claims in this litigation shall be stayed with
- 3 respect to all parties to this action, pending the conclusion of all appeals in this case.
- 4 This provision shall not preclude an action to enforce any other orders entered by
- 5 this Court. This provision also shall not preclude any negotiated settlement between
- 6 any or all of the parties, or entry of any court orders applicable to such a settlement.
- 7

8 WHEREFORE, the parties request that the Court enter the attached proposed order.

9 Dated: 8/15/19

Dated: 08/15/2019

10 By *Phil M. Emerson* ¹⁴⁹²⁷

11 PHILLIP R. EMERSON, ESQ.

12 Nevada Bar No. 5940

13 EMERSON LAW GROUP

14 1055 Whitney Ranch Drive

15 Suite 120

16 Henderson, Nevada 89014

By *Jordan P. Schnitzer*

JORDAN P. SCHNITZER, ESQ.

Nevada Bar No. 10744

THE SCHNITZER LAW FIRM

9205 West Russell Road

Suite 240

Las Vegas, Nevada 89117

17 Dated: 8/15/19

Dated: 8/15/19

18 By *David J. Feldman*

19 DAVID J. FELDMAN, ESQ.

20 Nevada Bar No. 5947 *John C. Dorame*

21 THE FELDMAN FIRM *Bar #10029*

22 8831 West Sahara Avenue

23 Las Vegas, Nevada 89117

By *Gena L. Sluga*

GENA L. SLUGA, ESQ. *Cara Christian*

Nevada Bar No. 9910 *Bar # 014356*

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1 **ORDR**

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dfeldman@feldmangraf.com

7 jdorame@feldmanattorneys.com

8 *Attorneys for Defendants Foremost Insurance*

Company/Mid-Century Insurance Company

9 *Attorneys for Defendants Foremost Insurance*

10 **DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 FILIPPO SCIARRATTA, an individual,

13 Plaintiff,

14 vs.

15 JONAS STOSS, an individual; FOREMOST
16 INSURANCE COMPANY GRAND RAPIDS
17 MICHIGAN, a Michigan Corporation; MID-
CENTURY INSURANCE, a California
18 Corporation; and DOES I through X, inclusive; and
ROE CORPORATIONS I through X, inclusive,

19 Defendants.

20 FOREMOST INSURANCE COMPANY GRAND
RAPIDS MICHIGAN, a Michigan Corporation;
21 MID-CENTURY INSURANCE, LLC, a California
Limited Liability Company; and FARMERS
22 INSURANCE EXCHANGE, a California Inter-
Insurance Exchange,

23 Counterclaimants,

24 vs.

25 FILIPPO SCIARRATA, an individual; and JONAS
26 STOSS, an individual,

27 Counter/Cross Defendants.
28

Case No. A-17-756368-C

Dept. No. 27

**ORDER RE ENTRY OF FINAL
JUDGMENT ON SECOND AND
FOURTH CLAIMS FOR RELIEF IN
COUNTER/CROSS CLAIM**

1 This matter having come before the Court upon the parties' Stipulation re Entry of Final Judgment
2
3 on the Second and Fourth Claims for Relief in the Counter/Cross Claim pursuant to Nevada Rule of Civil
4 Procedure ("NRCPP") 54(b) and the Court being fully advised in the premises, IT IS HEREBY ORDERED
5 that:

6 1. Final judgment is entered in favor of the Farmers Entities with respect to the Second Claim
7 for Relief in the Counter/Cross Claim related to the Farmers Insurance Exchange umbrella policy for the
8 reasons set forth in the Court's March 26, 2019 Decision and Order regarding the Farmers Entities' Motion
9 for Summary Judgment.
10

11 2. Final judgment is entered in favor of Plaintiff with respect to Fourth Claim for Relief in the
12 Counter/Cross Claim related to the Mid-Century Policy for the reasons set forth in the Court's March 26,
13 2019 Decision and Order regarding the Farmers Entities' Motion for Summary Judgment.

14 3. The Court expressly directs that this judgment constitutes a final order of the Court with
15 respect to fewer than all of the claims in this case. This judgment is a final order with respect to the Second
16 Claim for Relief in the Counter/Cross Claim related to the umbrella policy and the Fourth Claim for Relief
17 in the Counter/Cross Claim related to the Mid-Century Policy only. All other claims in this litigation remain
18 pending.
19

20 4. The Court expressly determines that there is no just reason to delay appellate review. *See e.g.*
21 *Hallicrafters Co. v. Moore*, 102 Nev. 526, 528, 728 P.2d 441, 442 (1986)(holding "NRCPP 54(b) provides
22 that a judgment or order of the district court which completely removes a party or a claim from a pending
23 action may be certified as final 'only upon an express determination that there is *no just reason for delay*....'"
24 (Emphasis in original.); *Rae v. All Am. Life & Cas. Co.*, 95 Nev. 920, 922, 605 P.2d 196, 197 (1979)("[t]he
25 court may, however, direct the entry of a final judgment as to fewer than all parties and make an express
26 determination that there is no reason for delay and direct the entry of judgment.");
27
28

1 *Mallin v. Farmers Ins. Exch.*, 106 Nev. 606, 610, 797 P.2d 978, 981 (1990), *overruled on other grounds*
2 *by Matter of Estate of Sarge*, 134 Nev. Adv. Op. 105, 432 P.3d 718 (2018)(holding "NRCP 54(b) clearly
3 contemplates certification of a judgment resolving a claim or removing a party.")¹


4 5. Further proceedings on all remaining claims in this litigation shall be stayed with respect to
5 all parties to this action, pending the conclusion of all appeals in this case. This provision shall not preclude
6 an action to enforce any other orders entered by this Court. This provision also shall not preclude any
7 negotiated settlement between any or all of the parties, or entry of any court orders applicable to such a
8 settlement.
9

10 **IT IS SO ORDERED.**

11 DATED this 26 day of August, 2019.

12
13 
14 DISTRICT COURT JUDGE

15 **Respectfully Submitted by:**

16
17 BY: 
18 David J. Feldman, Esq.
19 Nevada Bar No. 5947
20 John C. Dorame, Esq.
21 Nevada Bar No. 10029
22 THE FELDMAN FIRM
23 8831 West Sahara Avenue
24 Las Vegas, Nevada 89117
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28 jdorame@feldmanattorneys.com
Attorneys for Defendants Foremost Insurance

¹ In this regard, NRCP 54(b) provides in relevant part:

When an action presents more than one claim for relief--whether as a claim, counterclaim, crossclaim, or third-party claim--or when multiple parties are involved, the court may direct entry of a final judgment as to one or more, but fewer than all, claims or parties only if the court expressly determines that there is no just reason for delay.

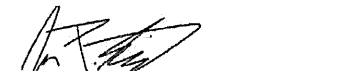
1 *Company/Mid-Century Insurance Company*

2 CHRISTIAN, KRAVITZ, DICHTER, JOHNSON
3 & SLUGA, PLLC

4 BY: 
5 Gena L. Sluga
6 Nevada Bar No. 9910
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14 *Attorney for Defendants Foremost Insurance Company*
15 *Grand Rapids Michigan and Mid-Century Insurance Company*

16 **Approved as to Form and Content:**

17 BY: 
18 Jordan P. Schnitzer, Esq.
19 Nevada Bar No. 10744
20 THE SCHNITZER LAW FIRM
21 9205 W. Russell Road, Suite 240
22 Las Vegas, NV 89148
23 *Attorney for Plaintiff*

24 BY: _____
25 Phillip R. Emerson, Esq.
26 Nevada Bar No. 5940
27 Tiffany Auber, Esq.
28 Nevada Bar No. 14821
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1 *Company/Mid-Century Insurance Company*

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3 & SLUGA, PLLC

4 BY: _____

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14 *Attorney for Defendants Foremost Insurance Company*

15 *Grand Rapids Michigan and Mid-Century Insurance Company*

16 **Approved as to Form and Content:**

17 BY: _____

18 Jordan P. Schnitzer, Esq.

19 Nevada Bar No. 10744

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22 Las Vegas, NV 89148

23 *Attorney for Plaintiff*

24 BY:  _____

25 Phillip R. Emerson, Esq.

26 Nevada Bar No. 5940

27 Tiffany Auber, Esq.

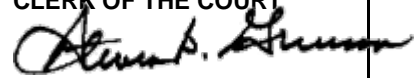
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Company/Mid-Century Insurance Company*

EIGHTH JUDICIAL DISTRICT COURT

STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK

FILIPPO SCIARRATTA, an individual,

Plaintiff,

vs.

JONAS STOSS, an individual; FOREMOST
INSURANCE COMPANY GRAND RAPIDS
MICHIGAN, a Michigan Corporation; MID-
CENTURY INSURANCE, a California
Corporation; and DOES I through X, inclusive;
and ROE CORPORATIONS I through X,
inclusive,

Defendants.

FOREMOST INSURANCE COMPANY
GRAND RAPIDS MICHIGAN, a Michigan
Corporation; MID-CENTURY INSURANCE,
LLC, a California Limited Liability Company;
and FARMERS INSURANCE EXCHANGE, a
California Inter-Insurance Exchange,

Counterclaimants,

vs.

FILIPPO SCIARRATA, an individual; and
JONAS STOSS, an individual,

Counter/Cross Defendants.

Case No.: A-17-7568368-C

Dept. No. 28

**NOTICE OF ENTRY OF
ORDER**

1 PLEASE TAKE NOTICE that an an Order re Entry of Final Judgment on Second
2 and Fourth Claims for Relief in Counter/Cross Claim was entered on August 28, 2018. A
3 copy of said Order is attached.
4

5 DATED this 29th day of August, 2019.

6 THE FELDMAN FIRM
7

8 By: /s/ David Feldman

9 David J. Feldman, Esq.

10 Nevada Bar No. 5947

11 8831 West Sahara Avenue

12 Las Vegas, Nevada 89117

13 Telephone: (702) 949-5096

14 Facsimile: (702) 949-5097

15 dfeldman@feldmangraf.com

16 *Attorneys for Defendants Foremost Insurance*

17 *Company/Mid-Century Insurance*

18 *Company*
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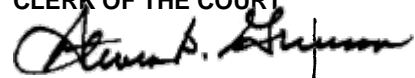
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1 SAO
2 David J. Feldman, Esq.
3 Nevada Bar No. 5947
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*Attorneys for Defendants Foremost Insurance
Company/Mid-Century Insurance Company
Attorneys for Defendants Foremost Insurance*

DISTRICT COURT

CLARK COUNTY, NEVADA

FILIPPO SCIARRATTA, an individual,
Plaintiff,

Case No. A-17-756368-C

Dept. No. 27

vs.

JONAS STOSS, an individual; FOREMOST
INSURANCE COMPANY GRAND RAPIDS
MICHIGAN, a Michigan Corporation; MID-
CENTURY INSURANCE, a California
Corporation; and DOES I through X, inclusive; and
ROE CORPORATIONS I through X, inclusive,

Defendants.

**STIPULATION AND PROPOSED
ORDER RE ENTRY OF FINAL
JUDGMENT ON SECOND AND
FOURTH CLAIMS FOR RELIEF IN
COUNTER/CROSS CLAIM**

FOREMOST INSURANCE COMPANY GRAND
RAPIDS MICHIGAN, a Michigan Corporation;
MID-CENTURY INSURANCE, LLC, a California
Limited Liability Company; and FARMERS
INSURANCE EXCHANGE, a California Inter-
Insurance Exchange,

Counterclaimants,

vs.

FILIPPO SCIARRATA, an individual; and JONAS
STOSS, an individual,

Counter/Cross Defendants.

1 Plaintiff Filippo Sciarratta ("Plaintiff"), by and through his counsel of record, Jordan P. Schnitzer of
2 THE SCHNITZER LAW FIRM and Defendants/Counterclaimants, Foremost Insurance Company Grand
3 Rapids Michigan, Mid-Century and Farmers Insurance Exchange (collectively, the "Farmers Entities"), by
4 and through their counsel of record, Gena L. Sluga, Esq. of CHRISTIAN, KRAVITZ, DICHTER,
5 JOHNSON & SLUGA, PLLC and David J. Feldman, Esq. of THE FELDMAN FIRM, and Jonas Stoss
6 ("Stoss"), by and through his counsel of record, Philip R. Emerson of EMERSON LAW GROUP, hereby
7 stipulate as follows:
8

9
10 1. This action arises out of a June 3, 2015 motorcycle accident in which Plaintiff sustained
11 injuries while riding as a passenger on his own motorcycle. Defendant Stoss, the cousin of Plaintiff's wife,
12 Cynthia Sciarratta ("Cynthia") was driving the motorcycle at the time of the accident, and Plaintiff rode
13 behind him as a passenger.

14 2. The original June 2, 2017 Complaint included theories of tort liability against Cynthia and
15 Stoss, which included: 1: Negligence Per Se (against Stoss); 2: Negligence (against Stoss); and 3: Negligent
16 Entrustment (against Cynthia). On September 20, 2017, Plaintiff dismissed Cynthia from the action pursuant
17 to NCRP 41(a)(1).
18

19 3. In the January 12, 2018 Amended Complaint, Plaintiff introduced six claims against two of
20 the three Farmers Entities he had engaged in coverage discussions:

- 21
- 22 • Count three (the first): Breach of Contract- FOREMOST and MID-CENTURY
 - 23 • Count three (the second): Tortious Breach of the Covenant of Good Faith and Fair Dealing – FOREMOST and MID-CENTURY
 - 24 • Count four: Contractual Breach of the Covenant of Good Faith and Fair Dealing – MID-CENTURY
 - 25 • Count five: Fraudulent and Intentional Misrepresentation – MID-CENTURY
 - 26 • Count six: Negligent Misrepresentation – MID-CENTURY
 - 27 • Count seven: Unjust Enrichment –MID-CENTURY and FOREMOST
- 28

1 4. In connection with their Answer to the Amended Complaint, the Farmers Entities brought
2 the following four cross- and counterclaims against Plaintiff and Stoss:

- 3 • DECLARATORY JUDGMENT – CONSTRUCTION OF MAY 12, 2017 RELEASE
- 4 • DECLARATORY JUDGMENT – UMBRELLA POLICY
- 5 • DECLARATORY JUDGMENT – FOREMOST MOTORCYCLE POLICY
- 6 • DECLARATORY JUDGMENT – MID-CENTURY AUTO POLICY

7 5. On January 25, 2019, the Farmers Entities brought before the Court their Motion for
8 Summary Judgment, in which they sought judgment in their favor on all claims at issue in this litigation.
9 The matter was heard on February 28, 2019, at which time this Court took the matter under advisement.

10 6. On March 26, 2019, this Court issued its Decision and Order on the Farmers Entities' Motion.
11 In so doing, this Court granted the Motion with respect to the Second Claim for Relief in the Counter/Cross
12 Claim related to the Farmers Insurance Exchange umbrella policy. In addition, this Court denied the Motion
13 with respect to Fourth Claim for Relief in the Counter/Cross Claim related to the Mid-Century Policy
14 involving the family exclusion codified in NRS 687B.147.

15 7. Plaintiff intends to appeal this Court's decision with respect to the Second Claim for Relief
16 in the Counter/Cross Claim related to the umbrella policy. The Farmers Entities intend to appeal this Court's
17 decision with respect to Fourth Claim for Relief in the Counter/Cross Claim related to the Mid-Century
18 Policy.
19

20 8. The parties agree that because an appeal will be filed from these final rulings, and the rulings
21 may impact remaining issues in the case, it is prudent to stay litigation on the remaining claims until after
22 appellate review has been completed. Therefore, the parties believe that entry of a final order pursuant to
23 Nevada Rule of Civil Procedure ("NRCP") 54(b) on the Second and Fourth Claims for Relief in the
24 Counter/Cross Claim is appropriate. The parties further agree that entry of a final order pursuant to NRCP
25 54(b) would enable Plaintiff and the Farmers Entities to appeal as of right.
26
27
28

1 9. The parties further ask this Court to enter a final judgment as to fewer than all the claims in
2 the case and to order that there is no just reason to delay appellate review. *See e.g. Hallicrafters Co. v.*
3 *Moore*, 102 Nev. 526, 528, 728 P.2d 441, 442 (1986)(holding “NRCP 54(b) provides that a judgment or
4 order of the district court which completely removes a party or a claim from a pending action may be
5 certified as final ‘only upon an express determination that there is *no just reason for delay*....’” (Emphasis
6 in original.); *Rae v. All Am. Life & Cas. Co.*, 95 Nev. 920, 922, 605 P.2d 196, 197 (1979)(“[t]he court may,
7 however, direct the entry of a final judgment as to fewer than all parties and make an express determination
8 that there is no reason for delay and direct the entry of judgment.”); *Mallin v. Farmers Ins. Exch.*, 106 Nev.
9 606, 610, 797 P.2d 978, 981 (1990), *overruled on other grounds by Matter of Estate of Sarge*, 134 Nev.
10 Adv. Op. 105, 432 P.3d 718 (2018)(holding “NRCP 54(b) clearly contemplates certification of a judgment
11 resolving a claim or removing a party.”)¹
12

13 10. Accordingly, the parties request the Court enter an order as follows:
14

- 15 a. Final judgment is entered in favor of the Farmers Entities with respect to the Second
16 Claim for Relief in the Counter/Cross Claim related to the Farmers Insurance
17 Exchange umbrella policy for the reasons set forth in the Court’s March 26, 2019
18 Decision and Order regarding the Farmers Entities’ Motion for Summary Judgment.
- 19 b. Final judgment is entered in favor of Plaintiff Filippo Sciarratta with respect to Fourth
20 Claim for Relief in the Counter/Cross Claim related to the Mid-Century Policy
21 regarding NRS 687B.147 for the reasons set forth in the Court’s March 26, 2019
22 Decision and Order regarding the Farmers Entities’ Motion for Summary Judgment.
23
24

25 ¹ In this regard, NRCP 54(b) provides in relevant part:
26

27 When an action presents more than one claim for relief--whether as a claim, counterclaim, crossclaim, or third-
28 party claim--or when multiple parties are involved, the court may direct entry of a final judgment as to one or
 more, but fewer than all, claims or parties only if the court expressly determines that there is no just reason for
 delay.

- 1 c. The Court expressly determines that there is no just reason to delay appellate review.
- 2 d. Further proceedings on all remaining claims in this litigation shall be stayed with
- 3 respect to all parties to this action, pending the conclusion of all appeals in this case.
- 4 This provision shall not preclude an action to enforce any other orders entered by
- 5 this Court. This provision also shall not preclude any negotiated settlement between
- 6 any or all of the parties, or entry of any court orders applicable to such a settlement.
- 7

8 WHEREFORE, the parties request that the Court enter the attached proposed order.

9 Dated: 8/15/19

Dated: 08/15/2019

10 By [Signature] ¹⁴⁹²⁷

11 PHILLIP R. EMERSON, ESQ.

12 Nevada Bar No. 5940

13 EMERSON LAW GROUP

14 1055 Whitney Ranch Drive

15 Suite 120

16 Henderson, Nevada 89014

By [Signature]

JORDAN P. SCHNITZER, ESQ.

Nevada Bar No. 10744

THE SCHNITZER LAW FIRM

9205 West Russell Road

Suite 240

Las Vegas, Nevada 89117

17 Dated: 8/15/19

Dated: 8/15/19

18 By [Signature]

19 DAVID J. FELDMAN, ESQ.

20 Nevada Bar No. 5947 ^{John C. Dorame}

21 THE FELDMAN FIRM ^{Bar #10029}

22 8831 West Sahara Avenue

23 Las Vegas, Nevada 89117

By [Signature]

GENA L. SLUGA, ESQ. ^{Cara Christian}

Nevada Bar No. 9910 ^{Bar # 014356}

CHRISTIAN, KRAVITZ, DICHTER,

JOHNSON & SLUGA, PLLC

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1 **ORDR**

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3 Nevada Bar No. 5947

4 John C. Dorame, Esq.

5 Nevada Bar No. 10029

6 THE FELDMAN FIRM

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dfeldman@feldmangraf.com

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Attorneys for Defendants Foremost Insurance

Company/Mid-Century Insurance Company

Attorneys for Defendants Foremost Insurance

10 **DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 FILIPPO SCIARRATTA, an individual,

13 Plaintiff,

14 vs.

15 JONAS STOSS, an individual; FOREMOST
16 INSURANCE COMPANY GRAND RAPIDS
17 MICHIGAN, a Michigan Corporation; MID-
18 CENTURY INSURANCE, a California
Corporation; and DOES I through X, inclusive; and
ROE CORPORATIONS I through X, inclusive,

19 Defendants.

20 FOREMOST INSURANCE COMPANY GRAND
21 RAPIDS MICHIGAN, a Michigan Corporation;
22 MID-CENTURY INSURANCE, LLC, a California
Limited Liability Company; and FARMERS
INSURANCE EXCHANGE, a California Inter-
Insurance Exchange,

23 Counterclaimants,

24 vs.

25 FILIPPO SCIARRATA, an individual; and JONAS
26 STOSS, an individual,

27 Counter/Cross Defendants.
28

Case No. A-17-756368-C

Dept. No. 27

**ORDER RE ENTRY OF FINAL
JUDGMENT ON SECOND AND
FOURTH CLAIMS FOR RELIEF IN
COUNTER/CROSS CLAIM**

1 This matter having come before the Court upon the parties' Stipulation re Entry of Final Judgment
2 on the Second and Fourth Claims for Relief in the Counter/Cross Claim pursuant to Nevada Rule of Civil
3 Procedure ("NRCPP") 54(b) and the Court being fully advised in the premises, IT IS HEREBY ORDERED
4 that:
5

6 1. Final judgment is entered in favor of the Farmers Entities with respect to the Second Claim
7 for Relief in the Counter/Cross Claim related to the Farmers Insurance Exchange umbrella policy for the
8 reasons set forth in the Court's March 26, 2019 Decision and Order regarding the Farmers Entities' Motion
9 for Summary Judgment.
10

11 2. Final judgment is entered in favor of Plaintiff with respect to Fourth Claim for Relief in the
12 Counter/Cross Claim related to the Mid-Century Policy for the reasons set forth in the Court's March 26,
13 2019 Decision and Order regarding the Farmers Entities' Motion for Summary Judgment.

14 3. The Court expressly directs that this judgment constitutes a final order of the Court with
15 respect to fewer than all of the claims in this case. This judgment is a final order with respect to the Second
16 Claim for Relief in the Counter/Cross Claim related to the umbrella policy and the Fourth Claim for Relief
17 in the Counter/Cross Claim related to the Mid-Century Policy only. All other claims in this litigation remain
18 pending.
19

20 4. The Court expressly determines that there is no just reason to delay appellate review. *See e.g.*
21 *Hallicrafters Co. v. Moore*, 102 Nev. 526, 528, 728 P.2d 441, 442 (1986)(holding "NRCPP 54(b) provides
22 that a judgment or order of the district court which completely removes a party or a claim from a pending
23 action may be certified as final 'only upon an express determination that there is no just reason for delay....'"
24 (Emphasis in original.); *Rae v. All Am. Life & Cas. Co.*, 95 Nev. 920, 922, 605 P.2d 196, 197 (1979)("[t]he
25 court may, however, direct the entry of a final judgment as to fewer than all parties and make an express
26 determination that there is no reason for delay and direct the entry of judgment.");
27
28

1 *Mallin v. Farmers Ins. Exch.*, 106 Nev. 606, 610, 797 P.2d 978, 981 (1990), *overruled on other grounds*
2 *by Matter of Estate of Sarge*, 134 Nev. Adv. Op. 105, 432 P.3d 718 (2018)(holding “NRCp 54(b) clearly
3 contemplates certification of a judgment resolving a claim or removing a party.”)¹


4 5. Further proceedings on all remaining claims in this litigation shall be stayed with respect to
5 all parties to this action, pending the conclusion of all appeals in this case. This provision shall not preclude
6 an action to enforce any other orders entered by this Court. This provision also shall not preclude any
7 negotiated settlement between any or all of the parties, or entry of any court orders applicable to such a
8 settlement.
9

10 **IT IS SO ORDERED.**

11 DATED this 26 day of August, 2019.

12
13 
14 DISTRICT COURT JUDGE

15 **Respectfully Submitted by:**

16
17 BY: 
18 David J. Feldman, Esq.
19 Nevada Bar No. 5947
20 John C. Dorame, Esq.
21 Nevada Bar No. 10029
22 THE FELDMAN FIRM
23 8831 West Sahara Avenue
24 Las Vegas, Nevada 89117
25 Telephone: (702) 949-5096
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27 dfeldman@feldmangraf.com
28 jdorame@feldmanattorneys.com
Attorneys for Defendants Foremost Insurance

¹ In this regard, NRCp 54(b) provides in relevant part:

When an action presents more than one claim for relief—whether as a claim, counterclaim, crossclaim, or third-party claim—or when multiple parties are involved, the court may direct entry of a final judgment as to one or more, but fewer than all, claims or parties only if the court expressly determines that there is no just reason for delay.

1 *Company/Mid-Century Insurance Company*

2 CHRISTIAN, KRAVITZ, DICHTER, JOHNSON
3 & SLUGA, PLLC

4 BY: 
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7 Cara L. Christian

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10 Las Vegas, Nevada 89123

11 Telephone: (702) 362-6666

12 gsluga@cdslawfirm.com

13 cchristian@cdslawfirm.com

14 *Attorney for Defendants Foremost Insurance Company*

15 *Grand Rapids Michigan and Mid-Century Insurance Company*

16 **Approved as to Form and Content:**

17 BY: 
18 Jordan P. Schnitzer, Esq.

19 Nevada Bar No. 10744

20 THE SCHNITZER LAW FIRM

21 9205 W. Russell Road, Suite 240

22 Las Vegas, NV 89148

23 *Attorney for Plaintiff*

24 BY: _____

25 Phillip R. Emerson, Esq.

26 Nevada Bar No. 5940

27 Tiffany Auber, Esq.

28 Nevada Bar No. 14821

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Attorneys for Defendant Jonas Stoss

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15 *Grand Rapids Michigan and Mid-Century Insurance Company*

16 **Approved as to Form and Content:**

17 BY: _____

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19 Nevada Bar No. 10744

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23 *Attorney for Plaintiff*

24 BY:  _____

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27 Tiffany Auber, Esq.

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Attorneys for Defendant Jonas Stoss

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

January 03, 2018

A-17-756368-C Filippo Sciarratta, Plaintiff(s)
vs.
Jonas Stoss, Defendant(s)

**January 03, 2018 3:00 AM Motion to Amend
Complaint**

HEARD BY: Israel, Ronald J.

COURTROOM: RJC Courtroom 15C

COURT CLERK: Kathy Thomas

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Upon review of the papers and pleadings on file in this Matter, the Motion to Amend Complaint, There being good cause appearing, COURT ORDERED, motion GRANTED and signed order in chambers 01/03/18.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: Phillip Emerson, Esq. and Jordan Schnitzer, Esq. kk 01/04/18.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

June 13, 2018

A-17-756368-C Filippo Sciarratta, Plaintiff(s)
vs.
Jonas Stoss, Defendant(s)

**June 13, 2018 9:30 AM Motion for More Definite
Statement**

HEARD BY: Allf, Nancy

COURTROOM: RJC Courtroom 03A

COURT CLERK: Nicole McDevitt

RECORDER: Brynn Griffiths

REPORTER:

PARTIES

PRESENT: Schnitzer, Jordan Attorney
 Sluga, Gena L. Attorney

JOURNAL ENTRIES

- Hayley N. Bennett, Esq. present on behalf of Defendant Jonas Stoss.

Arguments by Mr. Schnitzer and Ms. Sluga regarding the merits of and opposition to the motion. Ms. Bennett stated she had nothing to add. Court stated its findings and ORDERED, Plaintiff's Motion for More Definite Statement and Motion to Strike DENIED. Ms. Sluga to prepare the order and submit it to other counsel for approval.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

February 20, 2019

A-17-756368-C Filippo Sciarratta, Plaintiff(s)
vs.
Jonas Stoss, Defendant(s)

February 20, 2019

3:00 AM

Minute Order

**Minute Order:
Plaintiff's Motion to
Exceed Brief Size on
Order Shortening
Time set on 2/21/2019
GRANTED and
VACATED**

HEARD BY: Allf, Nancy

COURTROOM: No Location

COURT CLERK: Nicole McDevitt

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT FINDS after review on February 14, 2019, the Plaintiff s Motion to Exceed Brief Size on Order Shortening Time (Motion) was filed with the Court and the matter was set on Motions Calendar for February 21, 2019 at 9:30 a.m. All oppositions to the Motion were required to be filed by 5:00 p.m. on February 19, 2019.

COURT FURTHER FINDS after review that the Motion was served electronically upon Plaintiff on February 12, 2019 pursuant to the Certificate of Service attached thereto.

COURT FURTHER FINDS after review EDCR 2.20(e) provides in relevant part: Failure of the opposing party to serve and file written opposition may be construed as an admission that the motion and/or joinder is meritorious and a consent to granting the same.

COURT FURTHER FINDS after review no oppositions to the Motion have been filed.

COURT ORDERS for good cause appearing and after review pursuant to the merits of the Motion and EDCR 2.20(e), the Motion is hereby GRANTED and the hearing set on Motions Calendar for February 21, 2019 at 9:30 a.m. is hereby VACATED. Movant to prepare the Order in compliance with EDCR 7.21.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 2/10/2019

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

February 28, 2019

A-17-756368-C Filippo Sciarratta, Plaintiff(s)
vs.
Jonas Stoss, Defendant(s)

**February 28, 2019 10:30 AM Motion for Summary
Judgment**

HEARD BY: Allf, Nancy

COURTROOM: RJC Courtroom 03A

COURT CLERK: Natalie Ortega

RECORDER: Brynn Griffiths

REPORTER:

PARTIES

PRESENT: Schnitzer, Jordan Attorney
 Sluga, Gena L. Attorney

JOURNAL ENTRIES

- Arguments by counsel regarding the merits of the motion. COURT ORDERED, matter TRAILED.

MATTER RECALLED. All parties present as before. Further arguments by counsel. COURT ORDERED, matter UNDER SUBMISSION.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto**COURT MINUTES****March 12, 2019**

A-17-756368-C Filippo Sciarratta, Plaintiff(s)
vs.
Jonas Stoss, Defendant(s)

March 12, 2019	3:00 AM	Status Check	Status Check: Defendants/Counter- And Cross-Claimants Foremost Insurance Company, Mid- Century Insurance Company and Farmers Insurance Exchange's Motion For Summary Judgment
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HEARD BY: Alf, Nancy**COURTROOM:** No Location**COURT CLERK:** Andrea Natali**RECORDER:****REPORTER:**

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT FINDS after review that on January 25, 2019 Defendants/Counter- And Cross-Claimants Foremost Insurance Company, Mid-Century Insurance Company and Farmers Insurance Exchange's Motion For Summary Judgment ("Motion") was filed with the Court and the matter was set for hearing before the Court on February 28, 2019.

COURT FURTHER FINDS after review that the Court heard oral arguments on the Motion on February 28, 2019. The Court took the matter under submission and set a Status Check for March 12, 2019 on Chambers Calendar for the Court to issue its decision.

COURT ORDERS for good cause appearing and after review the date set for the Court to issue a Decision on the Motion is hereby CONTINUED to March 19, 2019; the Court will either release a Decision by March 19, 2019 at 5:00 p.m., or provide a prospective future date to expect it.

CONTINUED TO: 3/19/19 (CHAMBERS)

CLERK'S NOTE: Counsel are to ensure a copy of the forgoing minute order is distributed to all interested parties; additionally, a copy of the foregoing minute order was distributed to the registered service recipients via Odyssey eFileNV E-Service (3/12/19 amn).

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto

COURT MINUTES

March 14, 2019

A-17-756368-C Filippo Sciarratta, Plaintiff(s)
vs.
Jonas Stoss, Defendant(s)

March 14, 2019 9:30 AM Motion to Compel

HEARD BY: Allf, Nancy **COURTROOM:** RJC Courtroom 03A

COURT CLERK: Nicole McDevitt

RECORDER: Brynn Griffiths

REPORTER:

PARTIES

PRESENT: Feldman, David J Attorney
 Schnitzer, Jordan Attorney
 Sluga, Gena L. Attorney

JOURNAL ENTRIES

- Tiffany Auber, Esq. present for Defendant Jonas Stoss.

Arguments by Mr. Schnitzer and Ms. Sluga regarding the merits of and opposition to the motion. COURT ORDERED, Plaintiff's Motion to Compel GRANTED IN PART as to request numbers three, six, seven, eight, nine, eleven, twelve and DENIED IN PART as to request numbers four and five. Mr. Schnitzer to prepare the order and provide it to opposing counsel for approval as to form and content.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Auto**COURT MINUTES****June 06, 2019**

A-17-756368-C Filippo Sciarratta, Plaintiff(s)
 vs.
 Jonas Stoss, Defendant(s)

June 06, 2019**10:00 AM****All Pending Motions****HEARD BY:** Allf, Nancy**COURTROOM:** RJC Courtroom 03A**COURT CLERK:** Nicole McDevitt**RECORDER:** Brynn Griffiths**REPORTER:****PARTIES****PRESENT:**

Dorame, John C.

Attorney

Molloy, Kristen A.

Attorney

Schnitzer, Jordan

Attorney

Sluga, Gena L.

Attorney

JOURNAL ENTRIES

- DEFENDANTS/COUNTER-CLAIMANTS' RULE 60 MOTION FOR RELIEF FROM MARCH 26, 2019 ORDER AND REQUEST FOR CLARIFICATION...PLAINTIFF'S OPPOSITION TO DEFENDANTS/COUNTER-AND CROSS-CLAIMANTS FOREMOST INSURANCE COMPANY, MID-CENTURY INSURANCE COMPANY AND FARMERS INSURANCE EXCHANGE'S RULE 60 MOTION FOR RELIEF FROM MARCH 26, 2019 ORDER AND REQUEST FOR CLARIFICATION AND PLAINTIFF'S MOTION TO RECONSIDER THE COURT'S DECISION AND ORDER

Court noted its inclined ruling as to the motions. Arguments by Ms. Sluga and Mr. Schnitzer regarding the merits of and opposition to the motion. COURT ORDERED, Defendants/Counter-Claimants' Rule 60 Motion for Relief from March 26, 2019 Order and Request for Clarification and Plaintiff's Opposition to Defendants/Counter-and Cross-Claimants Foremost Insurance Company, Mid-Century Insurance Company and Farmers Insurance Exchange's Rule 60 Motion for Relief from March 26, 2019 Order and Request for Clarification and Plaintiff's Motion to Reconsider the Court's Decision and Order TAKEN UNDER ADVISEMENT for Court to re-review matter. COURT FURTHER ORDERED, status check SET on chambers calendar for decision.

6/18/2019 (CHAMBERS) DEFENDANTS/COUNTER-CLAIMANTS' RULE 60 MOTION FOR RELIEF FROM MARCH 26, 2019 ORDER AND REQUEST FOR CLARIFICATION; PLAINTIFF'S OPPOSITION TO DEFENDANTS/COUNTER-AND CROSS-CLAIMANTS FOREMOST INSURANCE COMPANY, MID-CENTURY INSURANCE COMPANY AND FARMERS INSURANCE EXCHANGE'S RULE 60 MOTION FOR RELIEF FROM MARCH 26, 2019 ORDER AND REQUEST FOR CLARIFICATION AND PLAINTIFF'S MOTION TO RECONSIDER THE COURT'S DECISION AND ORDER



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

GENA L. SLUGA
8985 EASTERN AVE., SUITE 200
LAS VEGAS, NV 89123

DATE: September 11, 2019
CASE: A-17-756368-C

RE CASE: FILIPPO SCIARRATTA vs. JONAS STOSS; FOREMOST INSURANCE
COMPANY GRAND RAPIDS MICHIGAN; MID-CENTURY INSURANCE

NOTICE OF APPEAL FILED: September 9, 2019

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT TRANSMITTED HAVE BEEN MARKED:**

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

*****Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.***

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; STIPULATION AND PROPOSED ORDER RE ENTRY OF FINAL JUDGMENT ON SECOND AND FOURTH CLAIMS FOR RELIEF IN COUNTER/CROSS CLAIM; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

FILIPPO SCIARRATTA,

Plaintiff(s),

vs.

JONAS STOSS; FOREMOST INSURANCE
COMPANY GRAND RAPIDS MICHIGAN;
MID-CENTURY INSURANCE,

Defendant(s),

Case No: A-17-756368-C

Dept No: XXVII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 11 day of September 2019.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk