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21 **UNITED STATES DISTRICT COURT**

22 **DISTRICT OF NEVADA**

23 M&J CHURCHFIELD FAMILY LIMITED
24 PARTNERSHIP d/b/a DOUBLE DICE RV
25 PARK,

26 Plaintiff,

27 v.

28 K&K INSURANCE GROUP, INC., d/b/a K&K
INSURANCE, and NATIONAL CASUALTY
COMPANY

Defendant.

Civil Action No.: 2:20-cv-00924-RFB-DJA

**[PROPOSED] ORDER GRANTING
DEFENDANT NATIONAL CASUALTY
COMPANY’S MOTION TO DISMISS**

29 This Court, having considered the pleadings and papers on file herein, and with good cause
30 appearing and no just reason to delay, hereby finds and orders as follows:

31 **THE COURT HEREBY FINDS:**

32 1. On July 16, 2020, plaintiff M&J Churchfield Limited Partnership d/b/a Double Dice
33 RV Park (“Plaintiff” or “Double Dice”) filed its First Amended Complaint [ECF No. 9] (“Amended
34 Complaint”) against defendants K&K Insurance Group, Inc. d/b/a K&K Insurance (“K&K”) and

1 National Casualty Company (“Defendant” or “NCC”) in the above-captioned matter.

2 2. On July 16, 2020, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), Plaintiff filed a Notice of
3 Dismissal of K&K [ECF No. 10], which clarified that Plaintiff’s claims are against Defendant NCC
4 only.

5 3. On August 4, 2020, pursuant to Fed. R. Civ. P. 12(b)(6), Defendant NCC filed a Motion
6 to Dismiss Plaintiff’s Amended Complaint [ECF No. 16] (“Motion to Dismiss”).

7 4. Under LR 7-2, “the deadline to file and serve any points and authorities in response to
8 ... [a] motion is 14 days after service of the motion.” LR 7-2(b).

9 5. Accordingly, the deadline for Plaintiff Double Dice to have filed a response to NCC’s
10 Motion to Dismiss was August 18, 2020.

11 6. Plaintiff Double Dice never filed a response to NCC’s Motion to Dismiss by the
12 August 18, 2020 deadline to do so.

13 7. Accordingly, on August 20, 2020, NCC filed a Notice of Non-Opposition to its Motion
14 to Dismiss [ECF No. 25].

15 8. To date (i.e., August 27, 2020), Double Dice has not filed an opposition, or any other
16 response, to NCC’s pending Motion to Dismiss.

17 9. LR 7-2 further provides, in relevant part, that “[t]he failure of an opposing party to file
18 points and authorities in response to any motion . . . constitutes a consent to the granting of the
19 motion.” LR 7-2(d).

20 10. Pursuant LR 7-2(b) and 7-2(d), Plaintiff Double Dice has effectively consented to the
21 granting of Defendant NCC’s Motion to Dismiss because Plaintiff has not filed an opposition, or any
22 other response, to NCC’s pending Motion to Dismiss.

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IT IS HEREBY ORDERED:

1. For the foregoing reasons, Defendant NCC’s Motion to Dismiss Plaintiff’s Amended Complaint [ECF No. 16] is **GRANTED WITH PREJUDICE**.

2. Accordingly, this action, in its entirety, is **DISMISSED WITH PREJUDICE**, and this **CASE IS NOW CLOSED**.

DATED: September 11, 2020.



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE

SUBMITTED BY:

DUANE MORRIS LLP

/s/ *Dominica C. Anderson*

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