

SUPREME COURT OF NEVADA

Progressive Gulf Insurance Co. v. Faehnrich

2014 NV 19 (2014) · No. 57324 · Decided March 27, 2014

SUMMARY

The Nevada Supreme Court, sitting en banc, issued an authored opinion answering a certified question from the United States Court of Appeals for the Ninth Circuit in *Progressive Gulf Insurance Co. v. Faehnrich*. The opinion was filed on March 27, 2014, and the case was subsequently closed after issuance of a notice in lieu of remittitur.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	Pickering, J.; Pickering; Gibbons; Parraguirre; Cherry; Hardesty; Douglas; Saitta
JURISDICTION	Nevada
DECIDED	March 27, 2014
DOCKET	57324
DISPOSITION	other
PROCEDURAL POSTURE	Original proceeding under NRAP 5 on a question certified by the United States Court of Appeals for the Ninth Circuit.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Progressive Gulf Insurance Company v. Christian Faehnrich, Randall K. Faehnrich, Randy Faehnrich, Toni A. Faehnrich

TOPICS

[appellate procedure](#) [insurance](#) [statutory interpretation](#)

PRACTICE AREAS

[insurance](#) [appellate procedure](#) [statutory interpretation](#)

PROCEDURAL HISTORY

The Ninth Circuit certified a question to the Supreme Court of Nevada. The Nevada Supreme Court accepted the certified-question proceeding, received briefing, heard oral argument on February 6, 2012, and issued an opinion

answering the question.

DISPOSITION

other

OPINION

Progressive Gulf Ins. Co. v. Faehnrich 2014 NV 19

PER CURIAM.

57324: Case View The Supreme Court of Nevada Appellate Case Management System C-Track, the browser based CMS for Appellate Courts Case Search Participant Search Cases Case Search Participant Search Disclaimer: The information and documents available here should not be relied upon as an official record of action. Only filed documents can be viewed. Some documents received in a case may not be available for viewing. Some documents originating from a lower court, including records and appendices, may not be available for viewing. For official records, please contact the Clerk of the Supreme Court of Nevada at (775) 684-1600. Case Information: 57324 Short Caption: PROGRESSIVE GULF INSURANCE CO. VS. FAEHNRICH (NRAP 5) Classification: Original Proceeding - NRAP 5 - U.S. Court of Appeals Lower Court Case(s): NONE Case Status: Notice in Lieu of Remittitur Issued/Case Closed Disqualifications: Panel Assigned: En Banc Replacement: To SP/Judge: SP Status: Oral Argument: 02/06/2012 at 1:30 PM Oral Argument Location: Regional Justice Center Submission Date: 02/06/2012 How Submitted: After Oral Argument + Party Information Role Party Name Represented By Appellant Progressive Gulf Insurance Company Dennis M. Prince (Prince & Keating, LLP) Respondent Christian Faehnrich Brett A. Carter (Benson, Bertoldo, Baker & Carter, Chtd.) Respondent Randall K. Faehnrich Brett A. Carter (Benson, Bertoldo, Baker & Carter, Chtd.) Respondent Randy Faehnrich Brett A. Carter (Benson, Bertoldo, Baker & Carter, Chtd.) Respondent Toni A. Faehnrich Brett A. Carter (Benson, Bertoldo, Baker & Carter, Chtd.) 14-09686: This document is currently unavailable. If you need a copy of this document, please contact Clerk's Office at (775) 684-1600. Docket Entries

Date	Type	Description	Pending?	Document	12/10/2010	Filing	Fee	Filing	Fee	due.				
12/10/2010	Order/Incoming	Filed Order Certifying a Question to the Supreme Court of Nevada. Received from U.S. Court of Appeals for the Ninth Circuit and the Honorable Susan P. Graber, Circuit Judge.	10-32348	12/10/2010	Notice of Appeal Documents	Filed Documents from U.S. Appeals Court Clerk including General Docket, Brief of Appellant, Appellees Answer Brief, Reply Brief of Appellant, and Excerpts of Record.	10-34308	03/02/2011	Order/Procedural	Filed Order Directing Transmission of Filing Fee. Appellant and respondents shall each tender to the clerk of this court, within ten days from the date of this order, the sum of \$125, representing half of the filing fee.	11-06337	03/14/2011	Filing Fee	Filing Fee Paid. \$125.00 from Benson, Bertoldo, Baker

& Carter. Check No. 12246. (Respondent). 03/14/2011 Filing Fee Filing Fee Paid. \$125.00 from Prince & Keating. Check No. 37373. (Appellant). 05/05/2011 Order/Procedural Filed Order Directing Briefing. Opening Brief and Appendix due: 45 days. Answering Brief due: 30 days. Reply Brief due: 20 days. 11-13402 06/21/2011 Brief Filed Opening Brief. 11-18432 06/21/2011 Appendix Filed Appendix to Opening Brief CD-ROM included. 11-18434 07/18/2011 Order/Clerk's Filed Order Granting Extension Per Telephonic Request. Respondents' answering brief due: July 27, 2011. 11-21485 07/29/2011 Brief Filed Respondents' Answering Brief. 11-22957 07/29/2011 Appendix Filed Appendix to Answering Brief. 11-22958 08/24/2011 Brief Filed Appellant's Reply Brief. 11-25768 08/24/2011 Case Status Update Briefing Completed/To Screening. 01/04/2012 Notice/Outgoing Issued Notice Scheduling Oral Argument. Oral argument is scheduled for February 6, 2012, at 1:30 p.m. in Las Vegas for 30 minutes before the En Banc Panel. 12-00339 01/25/2012 Notice/Outgoing Issued Oral Argument Reminder Notice. 12-02726 01/26/2012 Order/Procedural Filed Order. This case is currently scheduled for oral argument on February 6, 2012 at 1:30 p.m. Counsel should be prepared to address specific issues. 12-02771 02/06/2012 Case Status Update Oral argument held this day. Case submitted for decision. Before the En Banc Court. 03/27/2014 Opinion/Dispositional Filed Authored Opinion. "Question answered." Before the Court En Banc. Author: Pickering, J. Majority: Pickering/Gibbons/Parraguirre/Cherry/Hardesty/Douglas/Saitta. 130 Nev. Adv. Opn. No. 19. EN BANC 14-09686 04/21/2014 Remittitur Issued Notice in Lieu of Remittitur 14-12765 04/21/2014 Case Status Update Notice in Lieu of Remittitur Issued/Case Closed 09/03/2014 Notice/Outgoing Issued Letter to Publishers with corrections to recently filed opinions. (Letter dated July 17, 2014) Nos. 58602/59387/63724/64194/56614/58345/62489/62615/57324/59290. (Letter entered in 58602 as document no. 14-29096.)