

IN THE SUPREME COURT OF THE STATE OF NEVADA

STATE FARM INSURANCE  
COMPANY,  
Appellant,  
vs.  
ERNESTO FAGARAGAN,  
Respondent.

No. 43296

FILED

AUG 24 2004

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Ribarik*  
CHIEF DEPUTY CLERK

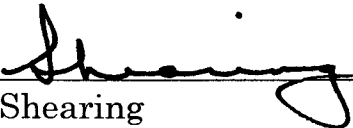
ORDER DECLINING TO ANSWER  
CERTIFIED QUESTION

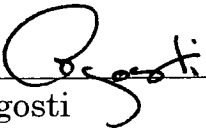
Pursuant to NRAP 5, United States District Judge Roger L. Hunt has certified a question to this court regarding the enforceability of the following uninsured/underinsured motorist provision contained in an automobile liability insurance policy: "Under uninsured motorist vehicle coverages, any arbitration or suit against us will be barred unless commenced within two years after the date of the accident."


The same certified question of law is currently pending in this court in State Farm Mutual Automobile Insurance Company v. Ike Fitts, Docket No. 42233. Accordingly, as we are considering the legal question in

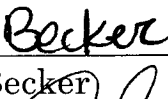
the context of the other case, we respectfully decline to answer the certified question in the instant matter.<sup>1</sup>

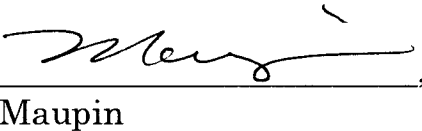
It is so ORDERED.


 C.J.  
Shearing

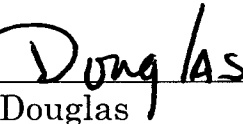
 , J.  
Agosti

 , J.  
Rose

 , J.  
Becker

 , J.  
Maupin

 , J.  
Gibbons

 , J.  
Douglas

cc: Hon. Roger L. Hunt, United States District Court Judge  
Pearson, Patton, Shea, Foley & Kurtz, P.C.  
Albert D. Massi, Ltd.  
Clerk, United States District Court, District of Nevada

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<sup>1</sup>See NRAP 5(a) (providing that the supreme court may answer questions of law certified to it by various courts).

Upon entry of a written decision in *State Farm v. Fitts*, Docket No. 42233, the clerk of this court shall serve a copy of that decision on those notified in the instant case: United States District Judge Roger L. Hunt; Pearson, Patton, Shea, Foley & Kurtz, P.C.; Albert D. Massi, Ltd.; and United States District Court Clerk for the District of Nevada.