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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA—SACRAMENTO DIVISION**

10 RICHARD AND LAVERNA MONTZ,
11 individuals,

12 Plaintiffs,

13 v.

14 NEVADA BUSINESS CORPORATIONS,
15 INC., a Nevada corporation, ARISTOCRAT
16 VENTURES, a Nevada corporation,
17 PROBACK SYSTEMS, INC., a Nevada
corporation, WAYNE WAKEFIELD, an
individual, and DOES 1–25, inclusive,

18 Defendants.

Case No.: 2:22-cv-00814-JDP

**STIPULATION TO RETAIN
JURISDICTION UNDER CALIFORNIA
CODE OF CIVIL PROCEDURE § 664.6
AND ~~PROPOSED~~ ORDER**

20 **IT IS HEREBY STIPULATED BETWEEN** Plaintiffs RICHARD and LAVERNA
21 MONTZ (collectively, “Plaintiffs”) and Defendants NEVADA BUSINESS CORPORATIONS,
22 INC., ARISTOCRAT VENTURES, PROBACK SYSTEMS, INC., and WAYNE WAKEFIELD
23 (collectively, “Defendants”) (Plaintiffs and Defendants are collectively referred to herein as the
24 “parties”) as follows:

- 25 1. Plaintiffs filed this action against Defendants on January 26, 2022, in the Superior
26 Court of California, County of Placer, for among other causes of actions, fraudulent
27 transfer and breach of fiduciary duties.

- 1 2. On March 24, 2022, Defendants removed this case from the Superior Court of
2 California, County of Placer, to the United States District Court for the District of
3 Nevada on the basis of diversity jurisdiction under 28 U.S.C. § 1332(a).
- 4 3. On May 16, 2022, the court transferred this case from the United State District Court
5 for District of Nevada to the United States District Court for the Eastern District of
6 California, pursuant to stipulation by the parties.
- 7 4. Plaintiffs and Defendants entered into a settlement agreement dated
8 January 19, 2024 to resolve this action (the “Settlement Agreement”).
- 9 5. California Code of Civil Procedure § 664.6 expressly provides that, “[i]f parties to
10 pending litigation stipulate, in a writing signed by the parties outside the presence of
11 the court or orally before the court, for settlement of the case, or part thereof, the court,
12 upon motion, may enter judgment pursuant to the terms of the settlement. If requested
13 by the parties, the court may retain jurisdiction over the parties to enforce the settlement
14 until performance in full of the terms of the settlement.”
- 15 6. Pursuant to the court’s analysis in *Renaissance Ribbons, Inc. v. Hadley Pollet, LLC*,
16 No. 2:07-CV-1271-JAM-DAD, 2008 U.S. Dist. LEXIS 102942, at 2 (E.D. Cal. Dec. 5,
17 2008) “California Code of Civil Procedure § 664.6 applies in this Court” for following
18 reasons:
 - 19 a. No Federal Rule of Civil Procedure directly conflicts with Cal. Code Civ. Proc.
20 § 664.6;
 - 21 b. “Where a federal court is exercising jurisdiction solely because of the diversity
22 of citizenship of the parties, the outcome of the litigation in the federal court
23 should be substantially the same, so far as legal rules determine the outcome of
24 a litigation, as it would be tried in a State court.” *Gasperini v. Ctr. for*
25 *Humanities*, 518 U.S. 415, 427 (1996). “Accordingly, to ensure that the
26 outcome of the litigation would be the same as if it has been brought in state
27 court, Cal. Code Civ. Proc. § 664.6 should apply.” *Renaissance Ribbons, Inc.*,
28 2008 U.S. LEXIS 102942 at 4; and

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Dated: January ____, 2024

NEW POINT LAW GROUP, LLP

By: _____
Daniel Griffin, Esq.
Attorney for Plaintiffs
RICHARD and LAVERNA MONTZ

Dated: January ____, 2024

HIGH WEST LAW, PC

By: _____
Grant Wiltshire, Esq.
Attorney for Defendants
NEVADA BUSINESS CORPORATIONS,
INC.; ARISTOCRAT VENTURES;
PROBACK SYSTEMS, INC.; and WAYNE
WAKEFIELD

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PROPOSED ORDER

The Court, having read and considered the Stipulation filed by the parties, and good cause appearing:


IT IS HEREBY ORDERED that:

1. Pursuant to California Code of Civil Procedure § 664.6, this Court shall retain jurisdiction to enforce the terms of the Settlement Agreement until performance in full of its terms, including, if necessary, enforcement and entry of the Stipulated Judgment attached thereto as Exhibit C.

2. Plaintiffs shall file a stipulation of dismissal without prejudice pursuant to Federal Rule of Civil Procedure Rule 41(a)(1)(A)(ii) ~~immediately upon~~ within seven days of the Court’s approval of this Stipulation.

IT IS SO ORDERED.

Dated: February 6, 2024



JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE