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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOHN MOMOT,

Plaintiff/Counterdefendant,

vs.

DENNIS MASTRO, individually,
MICHAEL MASTRO, individually, JEFF
MASTRO, individually; DOES I through X
and ROE CORPORATIONS I through X,
inclusive,

Defendants/Counterclaimants.

Case No.: 2:09-cv-975-RLH-LRL
[Removal from the District Court of Clark
County, State of Nevada,
Case No. A588280]

ORDER

On June 22, 2011, the United States Court of Appeals for the Ninth Circuit issued its Published Opinion in Momot v. Mastro, ___ F.3d ___, 2011 WL 2464781 (9th Cir. June 22, 2011) reversing this Court’s Order (Doc. 61) in which this Court denied Defendants’ motion to stay this action under Section 3 of the Federal Arbitration Act and permanently enjoined (i.e., “terminated”) the arbitration proceeding that the Defendants had commenced in Maricopa County, Arizona. The Ninth Circuit also gave “instructions to grant the motion to stay proceedings under 9 U.S.C. § 3 and dissolve the permanent injunction.”

The Ninth Circuit issued its Mandate effectuating its Published Opinion pursuant to Fed. R. App. P. 41(a) on July 14, 2011 (Doc. 227) and awarded Appellants/Defendants costs on appeal of \$359.40.

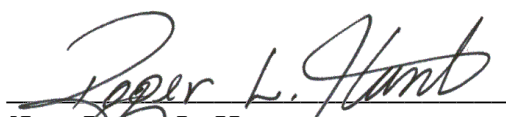
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In compliance with the Mandate, it is ORDERED:

- A. Defendants’ motion to stay this action under 9 U.S.C. § 3 is granted and this action is stayed in its entirety pending the outcome of the Maricopa County, Arizona arbitration commenced by Defendants by filing their Demand for Arbitration and Complaint in Arbitration on May 19, 2009 (Doc. 25-2);
- B. The permanent injunction “terminating” that arbitration is hereby dissolved; and
- C. Defendants are awarded their costs on appeal in the amount of \$359.40.

This Order does not stay the consideration of any petition or application the Defendants may file for an Order enforcing a Ninth Circuit award of Appellants/Defendants attorneys’ fees on appeal or the entry of an Order enforcing such an award.

DATED this 12th day of August, 2011.



Hon. Roger L. Hunt
United States District Judge