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 6 Attorneys for Plaintiff

7 UNITED STATES DISTRICT COURT  
 8 DISTRICT OF NEVADA

9 FIRST SAVINGS BANK, a South Dakota )  
 10 Corporation, ) CASE NO. 2:10-CV-00057-KJD-LRL  
 11 )  
 Plaintiff, )  
 12 )  
 13 vs. )  
 )  
 14 CORY A SIMONEAU, KIM RUETER, KIM )  
 RUETER COMPANY, an Iowa Corporation, )  
 15 RED MOUNTAIN CONSTRUCTION AND )  
 DEVELOPMENT, an Arizona Corporation, )  
 16 DOES I – V, )  
 17 )  
 Defendants. )  
 18 )  
 \_\_\_\_\_ )

19 **PLAINTIFF’S RESPONSE TO ORDER TO SHOW CAUSE**

20  
 21 Plaintiff, FIRST SAVINGS BANK., by and through its attorney, of the law firm of  
 22 McCULLOUGH & ASSOCIATES, LTD., hereby responds to the Order to Show Cause  
 23 filed by the Court on August 12, 2011.

24 Said Response is made and based upon the papers and pleadings on file herein, and  
 25 the Points and Authorities set forth below.  
 26

27 ...  
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**POINTS AND AUTHORITIES**


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2 During the course of the litigation, Plaintiff entered settlement discussions with  
3 Defendants which resulted in the previous dismissals. It is Plaintiff's intent to continue to  
4 pursue CORY A. SIMONEAU and RED MOUNTAIN CONSTRUCTION AND  
5 DEVELOPMENT (collectively "Defendants"), through a default in this matter.  
6

7 Certain matters were in the development which potentially could have affected the  
8 damages Plaintiff would have submitted in a default judgment. Those have been resolved  
9 and Plaintiff is prepared to move forward with a default and application for a default  
10 judgment against the remaining Defendants. Plaintiff anticipates having those actions  
11 completed with 60 days of this filing and request the Court not dismiss the matter but  
12 rather allow Plaintiff time to secure the default and default judgment against the  
13 remaining Defendants.  
14  
15

16 DATED this 16 day of August, 2011.

17 Respectfully submitted,

18 McCULLOUGH PEREZ & ASSOCIATES, LTD.

19  
20   
21 By: \_\_\_\_\_  
22 CHRISTOPHER R. McCULLOUGH, ESQ.  
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24 FRANK PEREZ, ESQ.  
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28 Attorneys for Plaintiff

26 IT IS SO ORDERED.

27 DATED: 8/17/11



28 \_\_\_\_\_  
UNITED STATES DISTRICT JUDGE