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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

FDIC as Receiver for AMTRUST
BANK, et al.,

Plaintiff(s),

v.

REX H. LEWIS, et al.,

Defendant(s).

2:10-CV-439 JCM (VCF)

ORDER

Presently before the court is a motion to dismiss filed by the Federal Deposit Insurance Corporation (“FDIC”) in its capacity as receiver for Amtrust Bank. (Doc. # 43). Defendants failed to file a response to this motion.

Also before the court is plaintiff RecoverEdge L.P.’s motion for summary judgment. (Doc. # 45). Defendants failed to file a response to this motion.

Also before the court is plaintiff RecoverEdge L.P.’s motion to dismiss. (Doc. # 46). Defendants failed to respond to this motion.

Plaintiffs in this case seek deficiency judgments against guarantors of five loans in default. On November 28, 2012, the court entered summary judgment in favor of plaintiffs on four of the loans in question. (Doc. # 41). The real party in interest of the final loan, plaintiff RecoverEdge, has since been added to the case and now moves for summary judgment and dismissal of counterclaims based on reasoning identical to the court’s prior order.

James C. Mahan
U.S. District Judge

1 The court has examined the documents on the record and found that plaintiffs have provided
2 substantial evidence as to all of their claims, and that no genuine dispute of material fact has been
3 raised in the evidence submitted by defendants. Accordingly, based on the same reasoning applied
4 in the court's prior order (doc. # 41), the court will grant the instant motions.

5 Accordingly,

6 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the FDIC's motion to
7 dismiss counterclaims (doc. # 43) be, and at the same time hereby is, GRANTED.

8 IT IS FURTHER ORDERED that plaintiff RecoverEdge L.P.'s motion for summary
9 judgment (doc. # 45) is GRANTED.

10 IT IS FURTHER ORDERED that plaintiff RecoverEdge L.P.'s motion to dismiss (doc. # 46)
11 is GRANTED.

12 IT IS FURTHER ORDERED that plaintiff RecoverEdge L.P. shall submit an appropriate
13 judgment consistent with this order.

14 DATED March 13, 2014.

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17 **UNITED STATES DISTRICT JUDGE**