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Trustee Of Debtor National Consumer
15 *Mortgage, LLC*

16 **UNITED STATES DISTRICT COURT**
17 **DISTRICT OF NEVADA**

18 JOHN P. BRINCKO, as Chapter 11 Trustee of) 2:10-cv-00930-PMP-PAL
Debtor National Consumer Mortgage, LLC,)

19 Plaintiff,) **STIPULATION OF DISMISSAL AND**
20) **ORDER**

21 vs.)

22 RIO PROPERTIES INC.,)
23 Defendant.)

24

25

1 WHEREAS, the above-captioned action (the “Action”) was tried before a jury from
2 January 21 to February 3, 2014, in the United States District Court, District of Nevada, Case No.
3 2:10-CV-00930;

4 WHEREAS, the jury rendered its verdict on February 3, 2014; *and*

5 WHEREAS, defendant Rio Properties, Inc. (the “Rio”) filed a proposed judgment on
6 February 11, 2014 (Docket No. 382), which plaintiff John P. Brincko (the “Trustee”), as Chapter
7 11 Trustee of Debtor National Consumer Mortgage, LLC (the “Debtor”) opposed on March 3,
8 2014 (Docket No. 386), to which Rio replied on March 10, 2014 (Docket No. 387); *and*

9 WHEREAS, Plaintiff filed a proposed judgment, and moved the Court for prejudgment
10 interest and post-judgment interest, on February 13, 2014 (Docket No. 383) (“Plaintiff’s
11 Motion”), which Rio opposed on March 3, 2014 (Docket No. 385), to which Plaintiff replied on
12 March 10, 2014 (Docket No. 388); *and*

13 WHEREAS, the Court issued an Order, dated May 8, 2014 (Docket No. 389), granting
14 in part and denying in part Rio’s Motion, and granting in part and denying in part Plaintiff’s
15 Motion (the “May 8 Order”);

16 WHEREAS, the May 8 Order directed Plaintiff to file, by June 6, 2014, a proposed
17 judgment consistent with the jury’s verdict and the May 8 Order;

18 WHEREAS, pursuant to the May 8 Order, Plaintiff filed a Notice of Submission of
19 Proposed Judgment on May 22, 2014 (Dkt No. 301) (the “Proposed Judgment”);

20 WHEREAS, on June 3, 2014, the parties executed a settlement agreement resolving the
21 disputes between them (the “Settlement”);

22 WHEREAS, Plaintiff, as Chapter 11 Trustee of the Debtor, filed a motion on June 18,
23 2014 pursuant to Fed. Bankr. R. 9019 in the United States Bankruptcy Court for the Central
24 District of California (the “Bankruptcy Court”), where the Debtor’s bankruptcy case is pending,
25 *seeking an order approving the Settlement (the “9019 Motion”);*

1 WHEREAS, on July 28, 2014, this Court ordered the parties to file a joint status report
2 regarding the proceedings before the Bankruptcy Court on or before August 28, 2014 (Docket
3 No. 404);

4 WHEREAS, on August 26, 2014, the Bankruptcy Court entered an Order approving the
5 Settlement (Case 8:06-bk-10429-TA, Docket No. 694);

6 IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff and the Rio,
7 by and through their respective undersigned counsel, that the Action is hereby dismissed with
8 prejudice in its entirety pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure.

9 Respectfully submitted,

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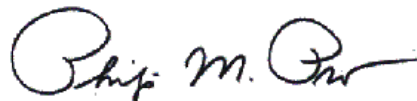
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RIO PROPERTIES, INC.

21 **IT IS SO ORDERED.**

22 Dated this 28th day of August, 2014.



PHILIP M. PRO,
UNITED STATES DISTRICT JUDGE