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12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 AMERICAN CASINO AND) Case No. 2:11-cv-00222-JCM -LRL
15 ENTERTAINMENT PROPERTIES, LLC, a)
Delaware limited liability company,)
16)
Plaintiff,)
17)
v.)
18)
MODERN HOUSING, LLC, a Washington)
19 limited liability company,)
20 Defendant.)
21)

22 **ORDER**

23
24 Presently before the Court is Defendant Modern Housing, LLC’s Motion to Dismiss
25 Pursuant to Fed. R. Civ. P. 12(b)(1) and/or 12(c) (Doc. # 9), filed on May 20, 2011. Plaintiff
26 American Casino and Entertainment Properties, LLC filed an opposition (Doc. #19) on June
27 20, 2011. Defendant filed a reply (Doc. #22) on July 7, 2011.

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The motion came on for hearing before the Honorable James C. Mahan on September 21, 2011, at 10:00 a.m.

After consideration of the pleadings and papers on file, and the oral arguments by counsel, and for the reasons stated in court,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant's motion to dismiss is GRANTED without prejudice.

ORDER

IT IS SO ORDERED.

DATED this 19th day of October, 2011.


UNITED STATES DISTRICT JUDGE

Submitted by:
JOLLEY URGA WIRTH WOODBURY & STANDISH

By: /s/ William R. Urga
WILLIAM R. URGA, ESQ.
3800 Howard Hughes Pkwy., 16th Floor
Las Vegas, Nevada 89169

1 **CERTIFICATE OF SERVICE**

2 This will hereby certify that I am employed in the County of Clark, State of Nevada, am
3 over the age of 18 years and not a party to this action. My business address is that of Jolley Urga
4 Wirth Woodbury & Standish, 3800 Howard Hughes Parkway, Suite 1600, Las Vegas, Nevada
5 89169.

6 This is to certify that on October 13th, 2011, I electronically filed the **PROPOSED**
7 **ORDER** with the Clerk of Court using the CM/ECF system, which will cause the document to
8 be served upon the following counsel of record:
9

10 Michael J. McCue
11 Jonathan W. Fountain
12 LEWIS AND ROCA LLP
13 3993 Howard Hughes Parkway, Suite 600
14 Las Vegas, Nevada 89169

15 I certify under penalty of perjury that the foregoing is true and correct, and that this
16 Certificate of Service was executed by me on October 13th, 2011 at Las Vegas, Nevada.

17 /s/ Kelly McGee

18

An Employee of JOLLEY URGA WIRTH
19 WOODBURY & STANDISH
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