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6 *Attorneys for Defendants*

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 BRANCH BANKING AND TRUST
COMPANY, a North Carolina banking
10 corporation,

CASE NO. 2:12-cv-00453-APG-NJK

11 Plaintiff,

ORDER

12 vs.

13 SMOKE RANCH DEVELOPMENT, LLC, a
Nevada limited liability company, YOEL INY,
14 an individual; NOAM SCHWARTZ, an
individual; YOEL INY, Trustee of the Y&T
15 INY FAMILY TRUST dated June 8, 1994, as
amended; NOAM SCHWARTZ, Trustee of the
16 NOAM SCHWARTZ TRUST dated August 19,
1999; D.M.S.I., L.L.C., a Nevada limited
17 liability company; and DOES 1 through 10,
inclusive,

18 Defendants.
19

20 **STIPULATED ORDER TO VACATE JUDGMENTS**
AND TO DISMISS ACTION WITH PREJUDICE

21 Plaintiff BRANCH BANKING AND TRUST COMPANY ("BB&T" or "Plaintiff"), by
22 and through its undersigned counsel of record, and Defendants SMOKE RANCH
23 DEVELOPMENT, LLC, YOEL INY, NOAM SCHWARTZ, YOEL INY as Trustee of the Y&T
24 INY FAMILY TRUST dated June 8, 1994, NOAM SCHWARTZ as Trustee of the NOAM
25 SCHWARTZ TRUST dated August 19, 1999, and D.M.S.I., L.L.C. (collectively "Defendants"),
26 by and through their undersigned counsel of record, hereby stipulate and agree to the entry of
27 this Stipulated Order by this Court providing as follows:
28

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- 1 1. The Judgment entered in this action in favor of BB&T and against Defendants on
- 2 August 27, 2015 [ECF No. 182] in the amount of \$630,401.15 is hereby vacated;
- 3 2. The Clerk's Judgment entered in this action in favor of BB&T and against
- 4 Defendants on September 6, 2016 [ECF No. 200] awarding BB&T attorney fees in the amount of
- 5 \$231,016.66 is hereby vacated;
- 6 3. The Amended Judgment entered in this action in favor of BB&T and against
- 7 Defendants on May 1, 2017 [ECF No. 215] awarding BB&T attorney fees in the amount of
- 8 \$231,016.66 and non-taxable costs in the amount of \$9,496.98 is hereby vacated;
- 9 4. All claims and counterclaims asserted in this action are hereby dismissed with
- 10 prejudice; and
- 11 5. The parties shall each bear their own attorney fees and costs incurred in
- 12 connection with this action.

13 IT IS SO STIPULATED.

14 DATED this 19 day of Dec., 2017.

DATED this 6th day of Nov., 2017.

15 **HOLLAND & HART LLP**

KOLESAR & LEATHAM

16
17 By 

By 

18 JEREMY J. NORK, ESQ.
19 FRANK Z. LAFORGE, ESQ.
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Attorneys for Defendants

Attorneys for Plaintiff

22
23 **IT IS SO ORDERED.**

24
25 
26 UNITED STATES DISTRICT JUDGE

Dated: December 21, 2017.