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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DIMITRITZA TOROMANOVA

Plaintiff,

v.

WELLS FARGO BANK, N.A.; *et al.*,

Defendants.

2:12-cv-1637-LRH-CWH

ORDER

Before the court is defendant Wells Fargo Bank, N.A.’s (“Wells Fargo”) renewed motion to expunge lis pendens and for an order to show cause why plaintiff Dimitritza Toromanova (“Toromanova”) should not be held in contempt of court. Doc. #70.¹ Plaintiff Toromanova did not file an opposition or otherwise respond to this motion.

Plaintiff Toromanova filed a complaint in state court against defendants for wrongful foreclosure. *See* Doc. #1, Exhibit A. Wells Fargo removed the action to federal court on the basis of diversity jurisdiction. Doc. #1. Eventually, Wells Fargo filed a motion to dismiss (Doc. #10) which was granted by the court (Doc. #35). Thereafter, Wells Fargo filed the present motion to expunge lis pendens. Doc. #70.

The failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion under LR 7-2(d). Moreover, the court finds

¹ Refers to the court’s docket entry number.

1 that defendant's motion to expunge lis pendens is warranted based on the court's order of
2 dismissal. Doc. #35. Accordingly, the court shall grant Wells Fargo's motion to expunge lis
3 pendens.

4 Additionally, the court finds that plaintiff Toromanova recorded the underlying lis pendens
5 against the subject property without first obtaining leave of court as required by the court's
6 January 7, 2013 order. *See* Doc. #35, p. 3 ("Plaintiff Dimitritza Toromanova is declared a
7 VEXATIOUS LITIGANT and is PERMANENTLY ENJOINED from filing any further actions
8 against defendant Wells Fargo Bank, N.A. relating to the subject property or recording any
9 documents against the subject property without first obtaining leave of Court."). It appearing that
10 Toromonova has violated the court's order, the court shall order her to show cause why she should
11 not be held in contempt of court.

12
13 IT IS THEREFORE ORDERED that defendant's motion to expunge lis pendens (Doc. #70)
14 is GRANTED. Defendant Wells Fargo Bank, N.A. shall have ten (10) days to submit an
15 appropriate proposed order expunging the lis pendens and submit the same for approval and
16 signature.

17 IT IS FURTHER ORDERED that plaintiff Dimitritza Toromanova shall have twenty (20)
18 days from entry of this order to show cause why she should not be held in contempt of court for
19 violating the court's January 7, 2013 order.

20 IT IS SO ORDERED.

21 DATED this 24th day of September, 2014.

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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE