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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

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

CASE NO. 2:12-cv-1737-LRH-NJK

Plaintiff,

vs.

PEBBLE CREEK PLAZA, LLC, a Nevada
limited liability company, YOEL INY; NOAM
SCHWARTZ; YOEL INY, Trustee of the Y&T
INY FAMILY TRUST dated June 8, 1994;
NOAM SCHWARTZ, Trustee of the NOAM
SCHWARTZ TRUST dated August 19, 1999;
D.M.S.I., L.L.C., a Nevada limited liability
company; and DOES 1 through 10, inclusive,

Defendants.

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

Plaintiff BRANCH BANKING AND TRUST COMPANY (“BB&T” or “Plaintiff”), by
and through its undersigned counsel of record, and Defendants PEBBLE CREEK PLAZA, LLC,
YOEL INY, NOAM SCHWARTZ, YOEL INY as Trustee of the Y&T INY FAMILY TRUST
dated June 8, 1994, NOAM SCHWARTZ as Trustee of the NOAM SCHWARTZ TRUST dated
August 19, 1999, and D.M.S.I., L.L.C. (collectively “Defendants”), by and through their
undersigned counsel of record, hereby stipulate and agree to the entry of this Stipulated Order by
this Court providing as follows:

1 1. The Final Deficiency Judgment entered in this action in favor of BB&T and
2 against Defendants on July 11, 2016 [ECF No. 151] in the amount of \$1,802,525.01 is hereby
3 vacated;

4 2. The Judgment entered in this action in favor of BB&T and against Defendants on
5 February 10, 2017 [ECF No. 170] awarding BB&T attorney fees in the amount of \$219,820.48
6 and nontaxable costs in the amount of \$12,847.38 is hereby vacated;

7 3. All claims and counterclaims asserted in this action are hereby dismissed with
8 prejudice; and

9 4. The parties shall each bear their own attorney fees and costs incurred in
10 connection with this action.

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IT IS SO STIPULATED.

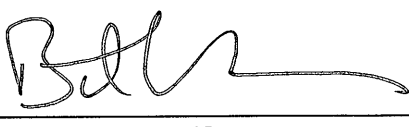
DATED this 19 day of Dec., 2017.

DATED this 6th day of Nov., 2017.

HOLLAND & HART LLP

KOLESAR & LEATHAM

By 

By 

JEREMY J. NORK, ESQ.
FRANK Z. DAFORGE, ESQ.
5441 Kietzke Lane, Second Floor
Reno, Nevada 89511

BART K. LARSEN, ESQ.
400 South Rampart Boulevard, Suite 400
Las Vegas, Nevada 89145

Attorneys for Plaintiff

Attorneys for Defendants

IT IS SO ORDERED.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE

DATED: December 22, 2017