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 8

9 **UNITED STATES DISTRICT COURT**
 10 **DISTRICT OF NEVADA**

11
 12 KAL-MOR-USA, LLC, a Nevada limited
 13 liability company;

14 Plaintiff,

15 v.

16 BANK OF AMERICA, N.A., a National
 17 Association; CTC REAL ESTATE SERVICES,
 18 a Foreign Corporation; CITIBANK (WEST),
 19 FSB, a Foreign Corporation; DOES I through X;
 and ROE CORPORATIONS I through X,
 inclusive;

20 Defendants.
 21

Case No.: 2:13-cv-00682-GMN-PAL

**JOINT MOTION TO SUBSTITUTE
 PARTY-DEFENDANT**

22 Plaintiff KAL-MOR-USA, LLC (**KAL-MOR**), and its counsel, Jason Martinez, Esq. of
 23 WEIL & DRAGE, together with Bank of America, N.A. (**BANA**), and its counsel Melanie D. Morgan,
 24 Esq. and of the law firm of AKERMAN LLP, move this Court for an order substituting U.S. Bank,
 25 National Association (**U.S. Bank**) as party-defendant in the place of BANA. In support, US. Bank
 26 and BANA state:

{35901217;1}

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1 1. Effective February 14, 2013, BANA assigned its right, title and interest in the deed of
2 trust at issue in the instant case to U.S. Bank, pursuant to an Assignment of Deed of Trust
3 (**Assignment**) recorded in the Office of the Clark County Recorder as Instrument
4 201302010000394. A copy of the Assignment is attached as **Exhibit A**.

5 2. Based on the foregoing, U.S. Bank, as assignee from BANA, is now the owner and
6 holder of the deed of trust at issue in the instant action and is therefore the real party in interest. As a
7 result, U. S. Bank should be substituted for BANA as party-defendant.

8 3. As a result of the substitution of party-defendant, the case caption should be amended
9 to read: KAL-MOR-USA, LLC, a Nevada limited liability company, Plaintiff, and U.S. Bank,
10 National Association, Defendant.

11 4. No prejudice will result from the granting of this joint motion.

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Plaintiff KAL-MOR and its counsel, Jason Martinez, Esq. of WEIL & DRAGE, and Defendant BANA and its counsel, Melanie D. Morgan, Esq. of Akerman LLP respectfully request this Court enter an order substituting U.S. Bank as party-defendant in the place of BANA and grant any other relief this Court deems just and proper.

DATED this 18th day of August, 2015

DATED this 18th day of August, 2015.

AKERMAN LLP

WEIL & DRAGE, APC

/s/ Melanie D. Morgan

/s/ Jason Martinez

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Attorneys for Plaintiff

ORDER

IT IS SO ORDERED.


UNITED STATES MAGISTRATE PEGGY LEEN

DATED: August 18, 2015