

1 DANIEL G. BOGDEN  
 2 United States Attorney  
 District of Nevada

3 BLAINE T. WELSH  
 4 Assistant United States Attorney  
 Nevada State Bar No. 4790  
 5 333 Las Vegas Boulevard South, Suite 5000  
 Las Vegas, Nevada 89101  
 Telephone: 702-388-6336  
 6 Facsimile: 702-388-6787  
 Email: blaine.welsh@usdoj.gov

7 *Attorneys for the United States.*

10  
 11 **UNITED STATES DISTRICT COURT**  
 12 **DISTRICT OF NEVADA**

13 In re:

14 STEVE HERBERT HOFSAESS,  
 15 Debtor.

) Case No: 2:13-cv-01161-RCJ  
 )  
 ) Appeal Reference No. 13-22

16 STEVE HERBERT HOFSAESS AND  
 17 CHRISTOPHER G. GELLNER, ESQ.,  
 18 Appellants,

) Bankruptcy Case No. 2:08-bk-023761-btb  
 ) Chapter 11

19 v.

20 THE UNITED STATES TRUSTEE,  
 21 Appellee.

22 **JOINT MOTION TO DISMISS**

23 Pursuant to Federal Rules of Civil Procedure, Rule 41(a)(1)(A)(ii), and Federal Rules  
 24 of Appellate Procedure, Rule 42(a), the United States Trustee, Steve Herbert Hofsaess and  
 25 Christopher G. Gellner, Esq. (the "Parties") stipulate to dismissal and respectfully request that  
 26 this honorable Court enter an order dismissing the above referenced appeal.

1 On March 14, 2014, this Court entered an order remanding this case back to the  
2 bankruptcy court to consider the settlement attached thereto. [See Docket No. 34.]

3 On March 27, 2014, the bankruptcy court entered an order approving the settlement.  
4 [See *In re Hofsaess*, Case No. 2:08-bk-023761-btb, Docket No. 337.]

5 Pursuant to paragraph 1(a) of the settlement, Christopher G. Gellner, Esq. had his  
6 electronic filing rights in bankruptcy court restored and filed the required proof he took four  
7 hours of continuing legal education in ethics. [See *In re Hofsaess*, Case No. 2:08-bk-023761-  
8 btb, Docket No. 329.]

9 Pursuant to paragraph 1(b) of the settlement, the registry funds were released to Steve  
10 Herbert Hofsaess. [See *In re Hofsaess*, Case No. 2:08-bk-023761-btb, Docket No. 369.]

11 Pursuant to paragraphs 1(d) and (e) of the settlement, the United States timely filed a  
12 motion requesting modification of the confirmed plan of reorganization (the "Motion"). [See  
13 *In re Hofsaess*, Case No. 2:08-bk-023761-btb, Docket No. 350.]

14 The Motion was granted and Steve Herbert Hofsaess subsequently filed an affidavit  
15 averring he had made distributions from the registry funds pursuant to the Motion. [See *In re*  
16 *Hofsaess*, Case No. 2:08-bk-023761-btb, Docket Nos. 365 & 384.]

17 Pursuant to paragraph 4(b) of the settlement, the Parties now jointly request dismissal  
18 of the above referenced appeal.

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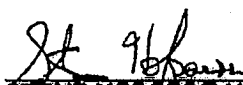
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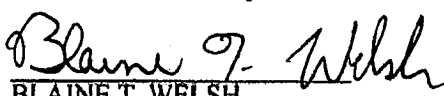
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Accordingly, the Parties stipulate to dismissal and respectfully request that an order be issued dismissing the above referenced appeal, with each party to bear its own costs and attorneys' fees.

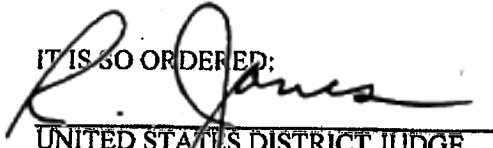
Respectfully submitted this 12<sup>th</sup> day of February 2015.

DANIEL G. BOGDEN  
United States Attorney

  
STEVE HERBERT HOFSAESS  
Appellant

  
BLAINE T. WELSH  
Assistant United States Attorney  
*Attorneys for Appellee*

  
CHRISTOPHER G. GELLNER  
Appellant

IT IS SO ORDERED:  
  
UNITED STATES DISTRICT JUDGE  
DATED:    February 19, 2015